SENATE—*Tuesday, May 2, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Thus saith the Lord. * * * Call unto Me, and I will answer thee, and shew thee great and mighty things, which thou knowest not.*—Jeremiah 33:3.

God of mercy, love and grace, in face of the cosmic problems that overwhelm, grant to the Senators and their advisers—to all of us—wisdom to face reality—to acknowledge human inadequacies and the limitations of legislation and government. An oil spill, national debt, a stubborn, nagging deficit are difficult enough—but appetite for drugs, lust, greed, avarice, selfishness, pride cannot be legislated out of the human heart. Only God can do that.

Deliver us from the naive assumption that all that is needed are new laws. Awaken us to the realities of evil and its pervasiveness. Strengthen our resistance to it and give us the wisdom of our forefathers who, in dependence upon Thee, took prayer seriously in their hours of trial as they struggled to invent a new and unprecedented political system.

In His name who is the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 2, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, this morning following the time for the leaders, there will be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10:30 a.m., the Senate will resume consideration of S. 431, the Martin Luther King, Jr. Commission reauthorization bill, with 1 hour of debate on Senator HELMS' two pending amendments. At 11:30 a.m., the Senate will conduct a rollcall vote up or down on the Helms second-degree amendment.

Immediately upon completion of that vote and with no intervening action, the Senate will then conduct another rollcall vote up or down on the Helms first-degree amendment as amended, if amended.

Therefore, Mr. President, the Senate will conduct two rollcall votes prior to noon today. Senators should be on notice that once the first vote has been completed, the second will occur immediately thereafter.

The Senate will stand in recess from 12 noon to 2 p.m. in order for Members to participate in the Holocaust Memorial ceremony in the Capitol rotunda.

When the Senate reconvenes at 2 p.m., we will resume consideration of S. 431. It is my hope that we will complete action on this bill today, and as I have previously indicated publicly, it is then my intention to go immediately to the budget resolution.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my time, and I also reserve the time for the distinguished Republican leader. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. I thank the Chair.

(The remarks of Mr. WILSON pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VALLEY HIGH SCHOOL, LAS VEGAS, NV

Mr. REID. Mr. President, I rise today to honor a group of young Nevadans from Valley High School in Las Vegas who are in our Nation's Capital this week to participate in the National Bicentennial Competition on the Constitution and the Bill of Rights. These dedicated scholars have traveled nearly 3,000 miles to represent the great State of Nevada, but their journey to the national finals began long ago in the classroom back home. Many hours of hard work led this team to victory in the congressional and Nevada State competitions, and it is truly an accomplishment that they are here today in Washington, DC, along with 950 other students from 44 States to participate in the National Bicentennial Competition.

The members of the Nevada team are: Dustin Ackerman, Brad Allen, Travis Anderson, April Anstett, Chad Antrim, Shonna Clutters, Jane Conn, Daniella Eilat, Robin Evans, Hobreigh Fischer, Garet Griffin, Tylla Gudim,

Holly Hyte, Gideon Jolley, Steve Kim, Debbie Mannino, John Michaelson, Niurka Oquendo, Andrea Prather, Elyse Pressler, Marjorie Sarmiento, Keren Speck, David Stein, Robert Vandorick, and Heidi Weber.

I want to extend my congratulations and offer good luck to each one of these fine students, as well as to their instructor, Cecile Rizzo, whose inspiration has led these students down the tough road to success. I would also like to recognize Ruth Joseph, district coordinator, and Phyllis Darling, the Nevada State coordinator for their efforts.

The National Bicentennial Competition on the Constitution and the Bill of Rights is the most extensive educational program in the country developed to educate young people about the Constitution and the Bill of Rights. The program offers students a specially designed 6-week course of study aimed at providing a fundamental understanding of the Constitution, the Bill of Rights and the principles and values they embody.

This week the national finalists will testify before a panel of experts at a simulated congressional hearing designed to measure the students' constitutional literacy and their capacity to apply these principles to historical and contemporary events.

Mr. President, the future of our great Nation depends on our success in educating our young people about the Constitution and the Bill of Rights. Sadly, recent studies show that only slightly more than half of students surveyed were able to identify the original purpose of the Constitution. Nearly half thought the President could appoint Members of Congress and one-third thought he could adjourn Congress when he saw fit.

Programs like the National Bicentennial Competition can make the difference for hundreds of thousands of young citizens. Students in classrooms throughout our Nation are now debating the issues which concerned our Founding Fathers. We have an obligation to these great men who gave birth to our Nation. We cannot let the principles of freedom and democracy die for lack of understanding.

We, as Members of Congress, can do nothing more important than offering our support to the National Bicentennial Competition. We must ensure that the leaders of tomorrow will have a fundamental understanding and respect for the principles upon which our great Nation was established.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McCONNELL pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FULL POWER RUN ACHIEVED AT THE SHAWNEE PROJECT

Mr. FORD. Mr. President, the Tennessee Valley Authority from time to time keeps me apprised of the progress on the 160-megawatt AFBC demonstration plant at Shawnee, KY. Last month, this project reached a milestone—a successful full power run was achieved.

The Shawnee project holds promise for the development of clean burning coal. It appears to be on the road to success thanks to the persistence of the Tennessee Valley Authority, the Department of Energy, the Commonwealth of Kentucky and investor-owned utilities that have stuck with it from the beginning.

Mr. President, I ask unanimous consent that the short report on the status of the Shawnee project be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[160-MW Atmospheric Fluidized Bed Combustion Demonstration Plant Project Bulletin]

FULL POWER HAS BEEN ACHIEVED

On April 11, 1989, at 8:36 p.m. EST the unit reached full load—160-MW with 12 compartments in service. Also, this is the longest continuous run to date with the unit being tied onto the grid on Thursday, April 6 at 7:30 a.m. EST and is still on line with an average output of approximately 103 MW. To date, the unit has run for approximately 1477 hours since October 11, 1988, producing approximately 75867 MW hours. This is a major accomplishment for the entire Project team. Achieving this milestone required the combined dedication of the Shawnee O&M staff, Combustion Engineering staff, TVA's engineering staff, startup team, loan engineers, and others. I am very proud of this accomplishment and I believe you also should be.

THE DANGERS OF THE DEEP

Mr. COHEN. Mr. President, the recent tragedy aboard the U.S.S. *Iowa* reminds us all too vividly once again of the dangers faced by the men and women of the U.S. Navy who so regularly put their lives at risk when they head to sea. These brave Americans constantly face danger and loneliness as they ply the oceans in defense of our great Nation.

There is a certain mystique about the sea—its unpredictability, its vastness, its beauty—and a certain mystery. The mood and the majesty of those great bodies of water—and the lurking dangers they conceal—were captured beautifully by Dan Rather in a recent CBS Radio commentary.

I know the Members of the Senate will find it compelling, and I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

[CBS Radio—"World News Tonight," Apr. 19, 1989]

DAN RATHER REPORTING: "NEWS, ANALYSIS, AND COMMENTARY"

It is Passover and naturally one thinks of the ancients, ancient times, ancient prophets, the ancient book. "They that go down to the sea in ships, that do business in great waters, these see the works of the Lord and his wonders in the deep." Psalms, of course, and one does not have to be religious to appreciate the power in poetry of those ancient verses. Perhaps all the more so this Passover because of what has happened to our sons, brothers, husbands, fathers, and fellow countrymen aboard the U.S.S. *Iowa*. Special kind of men go to sea . . . and women. It is lonely on the great oceans, it is also dangerous, as we are reminded again today. Death, painful crippling wounds, fear and fire broke out aboard the battleship. Only those who have been to sea, who have stayed at sea, can know, fully know, the loneliness and fear of being out there. Sometimes it is far, sometimes near, but it is always there at sea, when something, anything goes wrong in the water, there is a unique terror, one's sense of vulnerability and risk is heightened, manyfold. One does not have to know details of what happened aboard the *Iowa* today, to know that, that was aboard and spread. A long time ago and aways away a green reporter worked the story of the sinking of the submarine U.S.S. *Thresher* . *Thresher* had an accident, running silent, running deep, under water. Exactly what happened, never to this day is fully known. We do know she was crushed like a beer can hundreds of feet down. The "CBS Reports" documentary "Death of the *Thresher*" was our effort in the early 1960's at telling that story of tragedy for the Navy "Disaster at Sea." It left vivid memories in the reporter's mind, one does not often think of them now, but every now and again, they resurface like an old scar that sometimes hurts when it rains. They resurfaced again this day, as word came of death and the screamings of the wounded aboard a suddenly burning and listing U.S.S. *Iowa*. There will be the usual board of inquiry, and we begin to get at least some of the answers to what happened sometime. In the meantime, as the wounded arrive at hospitals, and as the flag draped coffins come home, what happened aboard the old *Iowa* today reminds us of all of old truths. Including freedom does not come cheap. One price of freedom is vigilance. Vigilance and the brave ones who accept its main responsibility have their dangers, even in something as routine as gunnery practice. And the dangers are special when they're at sea. We are reminded anew of why those who sing the Navy hymn sing, "Eternal Father, of love and power, our brother and shield in dan-

ger's hour, from rock and tempest, fire and foe, protect them wheresoever they go. Oh hear us when we cry to Thee for those in peril on the sea." And on this Passover, we are reminded of the even older truth, that they that go down to the sea in ships, that do business in great waters, these see the works of the Lord and his wonders in the deep.

THE QUODDY TIDES

Mr. COHEN. Mr. President, I would like to call the Senate's attention to a first-rate article about a first-rate newspaper that appeared recently in Editor & Publisher, the magazine that covers the newspaper industry.

The story is about the Quoddy Tides, a fine twice-a-month tabloid in Eastport, ME, and its talented editor, Winifred French, who founded the paper more than a quarter century ago.

The Quoddy Times is distinctive for several reasons. First is its unusual title. It is named after the huge Eastport tides, which rise and fall more than 20 feet daily. In addition, it is probably the eastern-most newspaper in the United States and has an international flavor, circulating in Canada as well as my home State of Maine. And its office is in an unusually scenic spot, in the old Christian Science meeting hall on the Eastport waterfront overlooking Passamaquoddy Bay.

I know my colleagues will find this to be an interesting story, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Editor & Publisher, Apr. 22, 1989]

WINIFRED FRENCH, THE QUODDY TIDES, EASTPORT, MAINE

(By Tom Riordan)

When spunky Winifred French moved with her family 27 years ago to Eastport, Maine, she discovered something lacking—no newspaper. So she started one.

Her "international" Quoddy Tides, now grown to a robust 48 tabloid pages and 6,000 circulation, comes out twice monthly for avid readers in Maine and the Canadian Isles.

Winifred named her paper in honor of the monstrous Eastport tides, which rise and fall more than 20 feet every day.

"We have always been marine-oriented," Winifred remarked. "In each issue, Pages 2 and 3 are devoted to the water—tide tables, sunrise and sunset, weather reports, vessels entering the port, fisherman's log, 'The Kittle Cargoes' column by Mike Brown—he's good—and stories about boats."

"Lots of Canadians buy the paper for the tides and set their lobster traps and go clamming by them."

A strong editorial success, the Tides carries only about 35% advertising.

"We really never lost money," explains the soft-spoken 1941 Cornell University psychology graduate. "We just never made any."

Winifred, 71, says that gross sales last year reached $143,469. This barely covered typesetting, printing and distribution costs, and the modest staff salary schedule.

In the beginning, planning, editing and mailing operations all took place on the Frenches' dining room table.

In 1977, Winifred bought the empty Christian Science meeting hall on the waterfront for $10,000, and it makes an ideal community newspaper office but it is more than that.

This also is headquarters for the Quoddy Tides Foundation for Marine Research, an aquarium, a gift shop and library, more of Winifred's loves.

A picture window frames the harbor, offering visitors a view of cargo ships with names like Conex, Star Denver, Rhine Forest, and local fishing vessels unloading catches of Atlantic salmon, halibut, herring.

Winifred's half-dozen employees, who enjoy being part of the Tides team, set their own hours and mainly work for minimum wage. Help from her five kids as they grew up has been important, Winifred recalled. "It's a good experience for children to help their family."

Then Winifred proudly recounted how her crew turned out. Two sons hold doctor's degrees and teach at universities. One works for Maine's Salt Magazine. Winifred's only daughter is married to a college professor.

The youngest, Edward, 28, is Tides managing editor. Before joining the paper full time, he earned a master's degree in modern literature from the University of Anglia in Norwich, England.

"We're very laid-back at the Tides," Edward observed. "There's little sense of pressure."

Eastport, farthest northeastern U.S. deep seaport on the Atlantic, sits across the Passamaquoddy Bay from New Brunswick, Canada, and looks out at the Bay of Fundy.

Three Canadian islands—Deer, Campobello and Grand Manan—all fall in the circulation area of the Tides.

Winifred has correspondents in 14 towns. Regular columns written by Tides readers are devoted to reviews of locally written books, gardening, outdoors, recipes and senior citizens.

Quoddy "Opinion," sometimes staff-written, most often has readers sounding off on local situations.

Picturesque Eastport once boasted a population of 5,000. For the past 30 years it has struggled to stay alive. Residents dwindled to 1,800, with an average income of $9,400. The town's 18 sardine canneries are long gone.

Seaport traffic—mainly in wood pulp—is moderate, but goes around the world.

The town had a weekly, the Eastport Sentinel, which folded in 1936, along with much of Business Row. Then the French family arrived in 1962.

Winifred's surgeon husband, Dr. Rowland B. French, was lured from a practice in Phoenix, Ariz., to join the small Eastport hospital staff.

When Winifred decided to create a paper, she began some informal research. She asked Eastport natives if the town needed a paper. Many said yes.

She talked to potential advertisers. They were supportive but so scarce that Winifred concluded two issues a month would be all the businesses could live with.

She called on Brooks Hamilton, a University of Maine journalism professor, who helped Winifred sort out what to write regularly.

Winifred visited several Canadian towns. Like Eastport, many lacked local papers. She decided Tides coverage must encompass them.

"People should be informed on what's happening, the comings and goings, that's the reason I started the Tides," Winifred pointed out.

Winifred's paper can be purchased at 69 convenience counters and newsracks. More than 40% of her papers are sold this way, at 50¢ a copy. Getting copies to all these places takes a full day, a 120-mile drive that includes several water crossings by ferry.

Copy is set and pasteups done in Canada by Stirling Lambert, who operates a modest composition shop on Deer Island. Materials move via computer modem and by fax.

When Stirling has pasted up an issue, he rendezvouses with Winifred and her son at customs in Calais. From there, Winifred and Edward drive 100 milies over bumpy, two-lane Maine roads to the Ellsworth American, which does the printing.

During this paper's two-decade history, stories great and small have been covered. For Winifred, the biggest lasted 13 years—Pittston Co. seeking to build an oil refinery in Eastport. That meant supertankers coming into the local harbor. Many residents liked the idea. Others feared oil spills and destruction of the environment.

The Tides printed opinion from both sides and, true to Winifred's custom, offered little editorial comment. She believes her paper's job is to present all the facts—let the readers decide.

Wary of the opposition, Pittsfield finally dropped the idea.

Then there was the Eastern Generation and Transmission project—the importation of coal from Colombia to manufacture electricity for New England. Promoters promised jobs and riches. With steady coverage in the Tides, public opinion eventually scuttled EG&T.

Now Eastport faces a whole new invasion. Real estate developers have discovered the town. They are turning commercial waterfront property into condominiums. Large, long-neglected homes, which march down a hillside to the harbor, are being restored and sold for prices that amaze longtime residents.

Tides real estate advertising has jumped from one to four pages.

The real buzzword, however, in Eastport is aquaculture—the raising of Atlantic salmon and halibut in giant mesh cages, 40 feet square and 20 feet deep, anchored in frigid Fundy bay waters.

Crops have been impressive. One firm, the Tides reported, expects to produce seven million pounds of salmon annually by 1990. Along with Eastport's long-standing commercial fishing, aquaculture may hold a major key to the area's future.

Winifred's Quoddy Tides will be there to report developments.

CIANBRO CORP., PITTSFIELD, ME

Mr. COHEN. Mr. President, I would like to call the attention of my colleagues to the 40th anniversary of one of my State's most successful businesses, Cianbro Corp. of Pittsfield, ME.

Alton "Chuck" Cianchette, Ival "Bud" Cianchette, and Kenneth "Lunk" Cianchette—the three brothers who helped build the company—have turned a small family-run busi-

ness into Maine's largest general contractor.

Over the last four decades, the Cianchettes have developed a reputation for outstanding business management and dedicated services to their employees and customers.

Today, Cianbro specializes in major industrial porjects, bridge and marine work as well as hydroelectric development, and the company is involved in projects in North Carolina and other States around the country.

The business community in Maine is proud to count the Cianchette brothers among its leaders.

I would like to take this opportunity to applaud their work ethic, enthusiasm, and accomplishments in the industry, and I ask unanimous consent that the following Bangor Daily News article detailing their achievements over 40 years be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIANBRO'S SUCCESS A FAMILY AFFAIR

(By Andrew Kekacs)

PITTSFIELD.—"My brothers and I always agreed on the philosophy that you can't help your children by giving them too much," says Alton "Chuck" Cianchette, president of Cianbro Corp. "It takes away from their sense of self-respect, pride and accomplishment. . . . If (our children) are going to be a part of this company, it's only because they earned a place."

Those are strong words, but apparently true, from the chief executive of a business that has been family-run for four decades. With 1,400 employees, Cianbro is Maine's largest general contractor

Two facts tend to support Cianchette's assertions. Altogether, the four brothers who built Cianbro have 20 children. Only four of the offspring are now employed by the company.

More importantly, though, the brothers have devised a plan to sell their company to its workers. In 1978, the Cianchettes established an employee stock-ownership trust, which now owns 48.5 percent of the company's stock.

Last year, the brothers unveiled a separate management incentive program that allows about 130 managers to purchase additional stock using company profits. In its first year, the managers bought 5 percent of the company.

"Most of our supervisory people have kind of grown up with the company," said Cianchette. "We've developed a real honest-to-goodness team of people who've gained the experience, assumed the responsibility and care.

"Over a period of time—the next five or 10 years—my brothers and I will sell our stock to these 130 managers."

Cianbro is celebrating the 40th anniversary of its incorporation this year. The business was started by Carl Cianchette, Chuck's oldest brother, after he left the merchant marine in 1946. It was incorporated three years later as Cianchette Bros. Inc.

Two other Cianchettes helped to build the company—Ival, the chairman, who is known as Bud, and Kenneth, the executive vice president. Chuck Cianchette is the only brother who still works full time at the company.

"We made lots of mistakes over the years," he said. "It seems to me that everything we learned, we learned the hard way. But that's yesterday—we're more concerned with tomorrow than yesterday."

Still, the past often defines the future. After graduating in 1948 from Maine Central Institute in Pittsfield, Chuck Cianchette worked with his brothers for four years. He served in the U.S. Army from 1952 to 1954, much of the time as a radio operator in Germany. Then he returned to the family enterprise.

Meanwhile, the other brothers gradually were expanding the business. They began by constructing small industrial buildings and barns, along with water and sewer work.

After working out of Carl's home for the first few years, they built a one-room office in 1950. Ten years later, the operation was moved to a four-room building. The company completed its present headquarters on Main Street in 1983.

At the same time, Cianbro gradually was shifting its activities to heavy construction. In 1968, the company took a major step into that market by acquiring a construction firm in the Portland area. Growth continued apace, as the Cianchettes specialized in industrial projects, bridge and marine work and hydroelectric developments.

One of the company's largest industrial projects was the construction of new facilities for Madison Paper Co., which was completed in 1981.

"We also did the bulk of the construction work on the Maine-New Hampshire Piscataqua River Bridge," said Cianchette.

Bridges and dams account for a little more than 50 percent of Cianbro's business, according to Cianchette. The company is completing a three-mile bridge across Albemarle Sound in North Carolina, and it recently won a $12 million contract to build a new concrete-and-steel bridge over the Merrimac River in Manchester, N.H.

"We specialize in deep-water bridges that few contractors have the expertise to do," he said.

The businessman credited much of the brothers' success to the influence of their parents, Ralph and Edna (Steen) Cianchette. Their father came to this country as a 12-year-old immigrant from Italy.

"Our father and mother, I think, were exceptional people," he said. "Their morality rubbed off."

Ralph Cianchette held a number of jobs before going into business with a partner in the 1920s. The men built culverts and small bridges. The business was forced into bankruptcy by the Great Depression, however.

"It must have been 1937 or '38 when my father burned the mortgage on our house," said Cianchette. "Before he did, though, he paid off every (business) debt—in full—that had been released by the bankruptcy court."

The elder Cianchette suffered a serious stroke in 1945, but lived for many years afterward.

"His mind was still sharp, but his body couldn't keep up with it," said Chuck Cianchette. "He stayed on as an adviser and friend to us all."

The businessman likened the growth of Cianbro to rolling a snowball. Every time it was rolled, it got larger.

"When it gets too big to roll, we'll build the snowman there," said Cianchette. "But the larger it gets, the more people we have to roll it."

PROMOTING SAFETY AND HEALTH IN CERTAIN WORKPLACES—S. 464

Mr. SANFORD. Mr. President, Senator BOND and I recently introduced S. 464, designed to right a great wrong and increase the safety in installations operated by or controlled by the Federal Government. I would like to call your attention to two recent developments in this area.

The U.S. Court of Appeals for the First Circuit recently ruled that the U.S. Government may not hide behind the "discretionary function" defense when it has been wrong. Those who are injured should be guaranteed their "day in court."

Second, the columnist Jack Anderson reports in the Washington Post of April 6, 1989, that the Navy apparently is continuing to disregard safety considerations.

I commend both of these items to your attention and ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[U.S. Court of Appeals for the First Circuit]

No. 88-1679

RENE A. DUBE, ETC., PLAINTIFF, APPELLEE, *v.* PITTSBURGH CORNING, ET AL., DEFENDANTS, APPELLEES

OWENS-ILLINOIS, INC., ET AL., DEFENDANTS, THIRD-PARTY PLAINTIFFS, APPELLANTS.

No. 88-1740

RENE A. DUBE, ETC., PLAINTIFF, APPELLEE, *v.* PITTSBURGH CORNING, ET AL., DEFENDANTS, APPELLEES

EAGLE-PICHER INDUSTRIES, INC., DEFENDANT, THIRD-PARTY PLAINTIFF, APPELLANT

Appeals from the U.S. District Court for the District of Maine [Hon. D. Brock Hornby, *U.S. Magistrate*].

Before Campbell, *Chief Judge*, Coffin and Torruella, *Circuit Judges*.

Linda A. Monica with whom *Peter J. Rubin, Bernstein, Shur, Sawyer & Nelson, Edward S. MacColl, Mark G. Furey* and *Thompson, McNaboe, Ashley & Bull* were on brief for appellants Owens-Illinois, Inc., and Raymark Industries, Inc.

Paul G. Gaston with whom *Joe G. Hollingsworth, Catherine R. Baumer* and *Spriggs & Hollingsworth* were on brief for appellant Eagle-Picher Industries, Inc.

Scott D. Austin, Torts Branch, Civil Division, Department of Justice, with whom *John R. Bolton*, Assistant Attorney General, Civil Division, *J. Patrick Glynn*, Director, Torts Branch, *Harold J. Engel*, Deputy Director, Torts Branch, *David S. Fishback* and *Jay M. Siegel*, Torts Branch, Civil Division, Department of Justice, were on brief for the United States.

March 27, 1989.

Coffin, *Circuit Judge*. These are consolidated appeals of four manufacturers of asbestos, following judgment for the government on appellants' claims for contribution for asbestos-related damages arising from the Portsmouth Naval Shipyard (PNS) in

Kittery, Maine. The trial court [1] found that the government was negligent under Maine law in its operation of the shipyard, a government-owned facility. The court found that this negligence was the proximate cause of death of Joan Dube, the daughter of a shipyard worker, who had been exposed to asbestos fibers carried home on her father's work clothes.[2] However, on its reading of the case law concerning the discretionary function exception to the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2680(a), the court determined that the government was immune from liability. We conclude that the exception is inapplicable on the record in this case, and reverse.

I. BACKGROUND

From age nine and until her marriage, from 1959 to 1973, Joan Dube was exposed to asbestos dust from her father's work clothes. Throughout this period, her father worked at PNS as a pipe insulator and routinely handled asbestos products. Before her death in 1984 of mesothelioma, Joan Dube initiated an action against four asbestos manufacturers whose products were used at PNS. These claims were eventually settled for the amount of $512,000.

The manufacturers—third party plaintiffs Raymark Industries, Inc., Owens-Illinois, Inc., Celotex Corp., and Eagle-Picher Industries, Inc.—brought contribution actions against the United States under the FTCA, 28 U.S.C. §§ 1346(b), 2671-2680. After a bench trial, the district court found the following:

Joan Dube's death resulted from her exposure to asbestos;

The asbestos was produced by third party plaintiffs and used at PNS, where her father worked as a civilian for the United States Navy;

The United States knew or should have known in October of 1964 that asbestos could cause mesothelioma in people like Joan Dube exposed in a domestic context; medical science cannot yet determine which exposures to asbestos over a period of time actually cause mesothelioma;

The United States Navy and PNS had no policies or practice, prior to 1964 or thereafter through the period of Joan Dube's exposure, either to warn of the dangers of asbestos exposure to workers' family members, or to protect these "domestic bystanders";

The United States was negligent under Maine law for failing to warn, either directly or through workers, domestic bystanders of the dangers of asbestos exposure after it learned of those dangers in 1964; all of Joan Dube's exposure, from 1959 to 1973, was the legal cause of her death; and

Considering the respective degrees of fault and causation, the United States was responsible for one-third of Joan Dube's damages.

None of these findings are challenged on appeal. Rather, the sole issue before us is whether the trial court properly applied the discretionary function exception of the FTCA. The United State conceded, and the court recognized, that the Navy had never adopted or considered a policy of warning domestic bystanders of asbestos hazards. Yet in the court's view, since it *could* have considered and rejected a policy of warning or protecting domestic bystanders, its failure to warn cannot lead to liability under the discretionary function exception.[3]

The manufacturers press two arguments on appeal. First, they argue that the Supreme Court's opinion in *Berkovitz* v. *United States*, 108 S. Ct. 1954 (1988), handed down four days after the trial court's disposition to this case, requires reversal based on Navy officials' failure to comply with mandatory regulations. Second, they argue more generally that the Navy's failure to warn domestic bystanders does not fall within the scope of discretionary activity to which the exception was meant to apply. We address these arguments in turn.

II. ALLEGED FAILURE TO COMPLY WITH MANDATORY REGULATIONS

In *Berkovitz*, the Court held that mandatory regulations can remove an official's discretion, and thereby withdraw his conduct from the scope of the discretionary function exception. At issue in that case was a government agency's failure to determine that certain required tests for purity and safety of the polio vaccine had been satisfied before its release for public use. Because the applicable statutes and regulations left no room for the exercise of discretion by the government employees charged with their implementation, the Court concluded that the failure of agency personnel to assure compliance with the testing requirements before licensing the vaccine was actionable under the FTCA. The manufacturers point to two Navy regulations which they say remove the Navy's discretion not to warn domestic bystanders.

A. Failure to warn of the known hazard

The manufacturers base their *Berkovitz* argument chiefly on one of the Navy's regulations contained in the Department of Navy Safety Precautions for Shore Activities, NAVSO P-2455 (April 1965). Section 0103.4.b provides: "*Warning Others.* Each individual concerned shall warn others whom he believes to be endangered by known hazards or by failure to observe safety precautions."

The manufactuers argue that this mandatory regulation, when combined with the trial courts' finding that the Navy failed to warn either its workers or their families of the dangers of domestic exposure to asbestos, dictates reversal under *Berkovitz*. Although this argument is not without force, and is supported by PNS commanders' testimony, we prefer not to rest our conclusion on it.

Reading the Safety Precautions for Shore Activities in their entirety, we think it is apparent that the quoted subsection outlines the responsibilities of on-site workers, as distinct from their supervisors.[4] Section 0103.4 is titled "Operating Personnel," and follows § 0103.1 directed to "Commanding Officers," § 0103.2 directed to "Safety Officer," and § 0103.3 directed to "Supervisory Personnel." In this context, § 0103.4 appears directed at having on-site workers warn their fellow workers of dangerous conditions in the immediate work areas of which they have specific, actual knowledge. We do not disturb the trial courts' determination that, as a matter of Marine tort laws, the Navy was properly charged with knowledge of the risk to domestic bystandards as of October 1964. Yet it would require a leap of logic to then attribute such constructive knowledge to on-site workers with no actual knowledge of the danger.[5] Even if the Navy's constructive knowledge of the risk to domestic bystanders could be imputed to workers, it would not advance the manufacturers' case. Section 0103.4.b requires the person concerned to warn others "whom he *believes* to be endangered by known hazards." *Id.* (emphasis added). That one believes another to be in danger means subjective, actual knowledge. The manufacturers have not shown that any PNS asbestos worker actually believes that domestic bystandards were at risk and failed to inform Joan Dube's father.

As a separate challenge to the manufacturers' *Berkovitz* claims, the United States argues that § 0103.4 cannot serve to remove Navy discretion because it is not sufficiently "specific." In reviewing the regulatory framework at issue in *Berkovitz*, the Court characterized the statutes and regulations that served to remove agency employees' discetion as "a specific statutory and regulatory directive." 108 S. Ct. at 1962. The Court indicated more generally: "When a suit charges an agency with failing to act in accord with a specific mandatory directive, the discretionary function exception does not apply." *Id.* at 1963. The Court engaged in a painstaking analysis of the precise statutory mandate and associated regulations establishing the Division of Biologic Standards' obligation to assure compliance with adequate testing procedures before licensing polio vaccines.

We view the government's argument as persuasive as applied to § 0103.4. The language of the regulation is so general that it does no more than establish a general policy of warning fellow workers of "known dangers." *Cf. General Public Utilities Corp.* v. *United States*, 551 F. Supp. 521, 526 (E.D. Pa. 1982) (concluding that "plain language, legislative history, and regulations" pertaining to the Energy Reorganization Act of 1974 established that NRC had a duty to disseminate warnings of design defects in nuclear power plants). Even assuming, as understood by the Base Commander, that § 103.4 applied to supervisory personnel, the board language of the regulation suggests

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[1] The case was tried before United States Magistrate Hornby, pursuant to consent of the parties and 28 U.S.C. § 636(c).

[2] The court went on to allocate the government's share of contribution to the settlement of the claim of Joan Dube's estate, in the event this court determined that the discretionary function exception does not apply.

[3] The discretionary function exception provides: "The provisions of this chapter and section 1346(b) of this title shall not apply to—(a) Any claim based upon * * * the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency * * *, whether or not the discretion be abused." 28 U.S.C. § 2680(a).

[4] We recognize that Admiral William Hushing, Commander of PNS from 1964 to 1969, and Admiral Westfall, Commander of PNS from 1971 to 1974, testified that they understood § 0103.4 to apply to everyone in the shipyard, including supervisory personnel. The record is otherwise barren of authoritative interpretation or background of the scope of § 0103.4. We decline to rest our analysis of the regulation on such a slight basis. We do not believe that the subjective understanding of a base commander can bind the Navy to his personal interpretation of the regulation. At best the regulation is ambiguous, militating against its service as a vehicle for the imposition of significant government liability under *Berkovitz*.

[5] Under normal tort law precepts, Navy officers and supervisors as operators of the shipyard—not workers—are charged with knowledge of the foreseeable dangers of asbestos exposure. *See* Restatement (Second) of Torts § 314B(1) (1965) (discussing duty of master or "person who has duties of management" to protect employees from known danger). *See also* W. Page Keeton, D. Dobbs, R. Keeton, & D. Owen, *Prosser and Keeton on Torts* § 80 (1984) (discussing *employer's* duty to provide a safe place to work and to give warning of dangers of which the employee might reasonably be expected to remain ignorant).

that those charged with its implementation retained wide latitude regarding its execution.[6] Thus there was no "specific mandatory directive" to warn comparable to the regulations analyzed in *Berkovitz*.

B. Failure to insure adherence to safety precautions

Through March of 1970, § 0103.3 of the Safety Precautions for Shore Activities provided: "It is the responsibility of supervisory personnel to see that safety precautions are strictly observed in their own work area."

This regulation differs from § 0103.4 in two important respects. First, it is clearly directed to supervisors. Supervisors may be sufficiently analogus to "management" in the private sector that the Navy's constructive knowledge of asbestos dangers is properly attributable to them. Second, the mandate is more precise both in tone ("strictly observed") and because it incorporates potentially detailed safety precautions tailored to particular work areas. If required safety precautions for the work area of Joan Dube's father were violated, and if compliance would have averted Dube's exposure, then the failure of the father's supervisor to assure strict observance would appear to render the discretionary function exception inapplicable under *Berkovitz*.

The manufacturers claim that uncontroverted evidence shows that safety precautions directed to the handling of asbestos at PNS were not adhered to. Yet the existence of the compliance with mandatory safety precautions governing the work area of Joan Dube's father is an open question. The Safety Precautions for Shore Activities, NAVSO P-2455, CH-1 (June 1967), indicate only that "Each individual concerned shall wear or use protective clothing or equipment of the type indicated and approved for the safe performance of his work or duty." § 0103.4.c. These Safety Precautions do not specify, however, whether any such protective clothing or equipment was required to be used by Joan Dube's father. Through March of 1970, the Safety Precautions provided:

"The following precautions *should* be taken in any dust making operations involving asbestos products:

"a. Provide permanent general ventilation * * *.

"b. Install exhaust hoods over saws and other dust making machine tools.

* * * * *

"d. Use industrial vacuum cleaners in lieu of dry sweeping floors and other surfaces." *Id.* at § 2058.2 (emphasis added). As articulated in chapter one of the Safety Precautions, "Precautions which are not mandatory but are recommended or advisory in nature are indicated by use of the word 'should'." § 0102.2. Thus it is not apparent from the Safety Precautions whether any *mandatory* precautions were applicable to Dube's father's work area through March 1970. The Safety Precautions were changed in 1970, and again in 1971, to incorporate detailed and mandatory provisions concerning asbestos handling.[7]

The trial court specifically declined to make findings regarding the alleged failure of PNS to assure compliance with specific safety precautions pertaining to the handling of asbestos, and therefore could not have considered the relevance of the changes in its alternative judgment allocating liability. In any event, the government continues to dispute the existence and violation of such precautions. If such were necessary to resolve this case, we would have to remand for additional findings.[8] The manufacturers' second argument makes this unnecessary.

III. FAILURE TO WARN AS A DISCRETIONARY FUNCTION

The Federal Tort Claims Act provides that:

"The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances * * *." 28 U.S.C. § 2674. As discussed in Part II, *supra*, matters pertaining to a "discretionary function" and exempted from liability under the Act. 28 U.S.C. § 2680(a). Courts have long struggled to determine what conduct is properly deemed within the scope of government discretion under § 2680(a). Recent courts have approached the question with little more than the basic precept framing the issue; "whether the challenged acts of a Government employee—whatever his or her rank—are of the nature and quality that Congress intended to shield from tort liability." *United States* v. *S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines)*, 467 U.S. 797, 813 (1984). While *Varig Airlines* and *Berkovitz* have improved matters, we still share Judge Becker's appraisal: "Rather than a seamless web, however, we found the law in this area to be a patchwork quilt." *Blessing* v. *United States*, 447 F. Supp. 1160, 1167 (E.D. Pa. 1978).

The trial court reasoned that *Varig Airlines* implicitly overruled a series of lower court decisions that had construed the discretionary function exception narrowly, resurrecting an earlier decision which had read the exception broadly. *See Dalehite* v. *United States*, 346 U.S. 15 (1953) (4-3 decision).[9] The Supreme Court's unanimous decision in *Berkovitz*, however, handed down a few days after the trial court's disposition of the instant case, signals a narrower reading of the discretionary function exception.

After reviewing the language and legislative history of the FTCA, and its own case law, the Court in *Berkovitz* emphasized that: "The discretionary function exception applies only to conduct that involves the permissible exercise of policy judgment." 108 S. Ct. at 1959. The government concedes that it made no such policy judgment in this case. The government never decided to forgo warning domestic bystanders; it simply failed (negligently, as determined by the trial court) to do so. "[C]onduct cannot be discretionary unless it involves an element of judgment or choice." *Berkovitz*, 108 S. Ct. at 1958. *See also Dalehite*, 346 U.S. at 34 (the exception protects "the discretion of the executive or administrator to act according to one's judgment of the best course"); *Arizona Maintenance Co.* v. *United States*, No. 87-2471 (9th Cir. Jan. 10, 1989), at 154 ("Under *Berkovitz*, the key inquiry is not whether the government employee has a choice, but whether that choice is a policy judgment"). Because there was no exercise of judgment, the government appears to fail the threshold test of establishing that its

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[6] We note that despite the board language of § 0103.4, a mandatory duty to warn workers of the risk to domestic bystanders could be made out by showing that the Navy had established a policy or practice of requiring such warnings. *See, e.g., Berkovitz*, 108 S. Ct. at 1964 (discussing adoption of a statutorily authorized—but not required—mandatory policy as removing conduct from the scope of the discretionary function exception). The record before us fails to demonstrate such a policy or practice. Instead the manufacturers have demonstrated, and the trial court found, that PNS had no policy of giving such warnings.

[7] The revised precautions provide: "The following precautions *are required* for the safe handling of asbestos products: a. General Precautions: (1) The Industrial Hygiene Division of the Medical Department *shall* evaluate the level of asbestos exposure and will recommend engineering control measures for dust controls and provide, at least twice yearly, indoctrination of insulation workers in measures of personal protection; (2) Asbestos dust concentrations *shall* be controlled so as not to exceed the threshold limit value for asbestos as stated in the current BUMED INSTRUCTIONS 6260.3 series titled "Threshold limit values for airborne toxic materials." (3) Scrap material *shall* be wet down before shoveling, hauling or dumping. (4) Discarded and scrapped asbestos materials *shall* immediately be placed in plastic bags which are then to be sealed for removal and disposal."

Safety Precautions for Shore Activities, NAVMAT P-5100—Change 2, at Ch. 20, P. 20-22, -23 (March 1970) (emphasis added). Subsequent subsections are directed at fabrications and removal operations. Subsection (c), "Removal, Repair and Installation," in part provides: "(2) Personnel engaged in ripout operations will be provided and required to wear clean coveralls at the beginning of each shift * * *. Clean or single-use coveralls shall be provided daily." *Id.* at 20-23. The precautions were again amended in February of 1971, with further instructions regarding the disposal or laundering of coveralls exposed to asbestos dust. NAVSHIPS Instruction 5100.26 at 3, 5-6 (Feb. 9, 1971). Each of these regulations is directed at control of asbestos dust, and is thus causally related to Joan Dube's exposure. *See* note 8, *infra*.

[8] The trial court viewed the existence and breach of such work-area safety precautions as irrelevant *as an independent basis of tort liability* insofar as they were not designed to protect domestic bystanders. While it may be true that the regulations did not create a duty to Joan Dube, this does not dispose of their relevance to the application of the discretionary function exception.

Under the FTCA, the government is initially liable as a private person under *state* tort law. The trial court found, and it is not contested on appeal, that the Navy negligently breached its duty of due care to Joan Dube by failing to warn her of the risks of asbestos exposure. The government asserts that the negligence is not actionable because it falls within the discretionary function exception. The manufacturers dispute this characterization. They say that the Navy's failure to protect Joan Dube could not be discretionary, because Navy regulations mandated certain safety precautions which, if followed, would have prevented Joan Dube's exposure. The regulations are relevant not in establishing a duty, but in establishing whether Navy officials' failure to take steps to protect Joan Dube was discretionary. If Navy officials failed to implement mandatory measures designed to regulate the exposure of workers to asbestos dust, their failure was not within the discretionary function exception under *Berkovitz*. The only remaining issue is whether this conduct is causally related to Joan Dube's exposure.

The Navy could certainly have discharged its duty to Joan Dube by taking steps to minimize or avoid her exposure altogether. This could have been accomplished by assuring that asbestos dust was properly controlled at PNS, for example by ventilating areas where asbestos dust was created or minimizing the creation of dust altogether. Given the trial courts' determination that, as of 1964, the risk of asbestos exposure to domestic bystanders was foreseeable, it would be difficult to conclude that failure to control asbestos dust was not a proximate cause of Joan Dube's death. Absent contrary authority in Maine law, if adherence to mandatory work-area regulations would have prevented Joan Dube's exposure, then the Navy's failure to assure compliance as required by § 0103.3 would appear to be actionable.

[9] The trial court may have been led astray by our analysis in *K.W. Thompson Tool Co., Inc.* v. *United States*, 836 F.2d 721, 726 (1st Cir. 1988) (describing *Dalehite* and *Varig Airlines* as "beacon cases," and prematurely proclaiming the demise of *Indian Towing Co.* v. *United States*, 350 U.S. 61 (1955), which narrowed *Dalehite's* holding).

conduct was protected from liability under the exception. *Contrast with Barnson* v. *United States*, 816 F.2d 549 (10 Cir. 1987) (affirmative decision by federal official not to warn uranium miners of risks of radiation exposure covered by the discretionary function exception); *Begay* v. *United States*, 768 F.2d 1059 (9th Cir. 1985) (same); *Ford* v. *American Motors Corp.*, 770 F.2d 465 (5th Cir. 1985) (decision of postal service not to warn buyers of surplus vehicles of risk of rollovers was considered policy choice, and therefore within the discretionary function exception; *Myslakowski* v. *United States*, 806 F.2d 94 (6th Cir. 1986) (same); *Shirey* v. *United States*, 582 F. Supp. 1251, 1257-62 (D.S.C. 1984) (same).

Of course, the Navy did make an affirmative choice to own and operate a shipyard, and to use asbestos on its ships. In its seminal *Dalehite* decision, the Supreme Court held that a high level policy decision to institute a program of producing and exporting fertilizer made from ammonium nitrate, formerly used for production of explosives, insulated the actions of lower level officials in carrying out the plan. 346 U.S. at 35-36. But unlike the situation in *Dalehite*, the Navy's decision to use asbestos in its ships cannot shield it from liability based on its failure of care once it learned of the risk to domestic bystanders. While its language is sweeping, the holding in *Dalehite* turns on the existence of detailed plans and specifications laid out by policymaking officials. "The acts found to have been negligent were thus performed under the direction of a plan developed at a high level under a direct delegation of plan-making authority from the apex of the Executive Department." *Id.* at 39-40. These officials planned, approved, and implemented the fertilizer program on notice of the inherent risk. *See id.* at 38-39, 46. That these officials consciously limited, in furtherance of the program, the extent to which safety precautions were researched and implemented was reinforced by the urgency of the government's effort to rehabilitate war-torn Europe: "The Supreme Court pointed out that the decision to manufacture the fertilizer in order to feed the people in the vanquished United States-occupied countries in the aftermath of World War II and thus lessen the danger of internal unrest, was a matter of cabinet-level government policy. The possibility of dangerous explosions resulting from fertilizer made from ingredients formerly used for explosives was known and a decision was made to produce the fertilizer despite the risks." *Shuman* v. *United States*, 765 F.2d 283, 291 (1st Cir. 1985). In short, government officials acting within the scope of their authority assumed the risk (though not the liability) of the fertilizer program based on public policy considerations. Nothing in the record before us or in the government's arguments demonstrates a similar deliberate acceptance of risk in the use and regulation of asbestos in Navy ships. While the Navy became charged with knowledge of the risk to domestic bystanders in 1964, it concedes it never considered whether those risks justified a warning. At a minimum, the regulations discussed in Part II, *supra*, suggest a general Navy policy favoring warnings of known dangers.

The trial court deemed the discretionary function exception applicable because the adoption of a policy of warning domestic bystanders was "susceptible of discretion." But the cases relied upon by the trial court in reaching this conclusion are distinguishable from the present case in the important respect. In the cited cases, plaintiffs claimed that the government decisionmaker failed to take into account important considerations; the claims were that his decision was negligently made. So long as such decisions were authorized and policy-based, claims that they were poorly made fall within the exception. But in none of the cases relied upon by the trial court did the government actor fail, as in the instant case, to make an affirmative decision. *See U.S. Fidelity & Guar. Co.* v. *United States*, 837 F.2d 116 (3rd Cir. 1988); *Allen* v. *United States*, 816 F.2d 1417 (10th Cir. 1987); *In re Consoliated United States Atmospheric Testing Litigation*, 820 F.2d 892 (9th Cir. 1987). Each of these cases, and the trial court, quote *Myslakowski* v. *United States*, 806 F.2d 94 (6th Cir. 1986). A portion of the quoted passage highlights the distinction we draw:

"Stated otherwise, even the negligent failure of a discretionary government policymaker to consider all relevant aspects of a subject matter under consideration does not vitiate the discretionary character of the decision *that is made.*

"Indeed, it is, in part, to provide immunity against liability for the consequences of negligent failure to consider the relevant, even critical, matters in discretionary decisionmaking that the statutory exception exists. If it were otherwise, *a judgment-based policy determination made at the highest levels*, to which all would concede that the statutory exception applies * * * would result in no immunity if the decision could be shown *to have been made* without consideration of important, relevant factors, or was *a decision negligently reached.*" *Id.* at 97-98 (emphasis added.)

We recognize that the "susceptible of discretion" approach of the trial court is a valid approach in some circumstances. Where the activity is a traditional governmental function, it is possible that failure to exercise judgment will remain within the discretionary function exception. As the Court said in *Dalehite*, "The legislative history indicates that while Congress desired to waive the Government's immunity from actions for injuries to person and property occasioned by the tortious conduct of its agents acting within the scope of business, it was not contemplated that the Government should be subject to liability arising from acts of a governmental nature or function. Section 2680(a) draws this distinction." 346 U.S. at 27-28 (citations omitted). The exception covers: "Any claim * * * based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency * * * whether or not the discretion involved be abused." 28 U.S.C. § 2680(a). Excepting liability even for failure to exercise discretion or for abuse of discretion is consistent with the view that this limitation of liability is directed at areas of activity where the government is under no affirmative duty to act in the first instance, or where government actors employ broad policy discretion in pursuit of the public good. Categories of such conduct include the regulation of private conduct, *see Varig Airlines; Shuman*, 765 F.2d 283, and the protection of the public from natural or man-made dangers. *See, e.g., U.S. Fidelity & Guar. Co.* v. *United States*, 837 F.2d 116 (3rd Cir. 1988) (EPA discretion regarding manner of disposal of toxic chemicals); *Cisco* v. *United States*, 768 F. 2d 788 (7th Cir. 1985) (EPA discretion whether to warn households of danger from dioxin present in residential landfill); *Brown* v. *United States*, 790 F. 2d 199 (1st Cir. 1986) (discretion whether to repair weather buoy); *Chute* v. *United States*, 610 F. 2d 7 (1st Cir. 1979) (discretion regarding size of buoy marking sunken wreck); *Mitchell* v. *United States*, 787 F. 2d 466 (9th Cir. 1986) (discretionary FAA regulation regarding marking of power transmission ground wires). *See also Blessing*, 447 F. Supp. at 1172 n. 18 (citing cases). In such cases, the government's failure to consider whether to undertake a greater level of care generally remains within the exception.

But excepting a decision not to warn domestic bystanders in this case as susceptible of discretion loses sight of the structure of the FTCA. Under the FTCA, the government is liable in tort "in the same manner and to the same extent as a private individual under like circumstances." 28 U.S.C. § 2674. As owner and operator of an industrial shipyard, the Navy had a duty under Maine law to exercise due care towards those foreseeably harmed by its activities. Where, as here, the nature of the activity places the government under a common law duty of care, the clause of the discretionary function exception most likely to protect the government from liability excepts "Any claim based upon any act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation." 28 U.S.C. § 2680 (a). The Navy points to no statute authorizing it to forgo warning domestic bystanders. *Cf. Varig Airlines*, 467 U.S. at 816 ("Congress specifically empowered the Secretary to establish and implement a mechanism for enforcing compliance with minimum safety standards according to her 'judgment of the best course,'" citing *Dalehite* 346 U.S. at 34.); *Begay* v. *United States*, 768 F. 2d 1059 (9th Cir. 1985) (relying in part on statute authorizing Surgeon General to release test data "at such times and to such extent as [he] may determine to be in the public interest.") Even if the government were somehow authorized to avoid common duty law duty of care requirements, the FTCA attaches liability under state standards to PNS, unless the failure to consider a policy can be reconciled with exercising "due care." When the government is operating in a capacity so highly analogous to private industry, we doubt that the "susceptible of discretion" analysis can protect an official's negligent failure to act without an affirmative exercise of policy judgment, or without an express statutory preservation of the scope of an agency's discretion.[10] *See McMichael* v. *United States*, 751 F. 2d 303, 306 (8th Cir. 1985) ("In this case, the Defense Department was pursuing a proprietary rather than a regulatory objective. * * * The Supreme Court's admonition [in *Varig Air-*

[10] Our consideration of the nature of the governmental activity in this case should not be read as an attempt to resurrect the "uniquely governmental functions" argument advanced by the United States as an absolute bar to liability in *Indian Towing* and rejected by the Supreme Court in that case. *See* 350 U.S. at 64-65. Rather, our focus is on the much more narrow consideration of when the *failure to consider* whether to adopt a policy protective of a plaintiff in an FTCA action can be considered discretionary.

When a plaintiff stands merely as a potential beneficiary of the government's regulatory authority or other discretionary activity, failure to consider is often "discretionary." But where, as here, the plaintiff claims she is owed a common law duty of care through analogy of governmental conduct to that of a private actor, failure to consider is not likely to be discretionary unless so provided by statute.

lines] to avoid judicial second-guessing of regulatory decisions is thus not wholly applicable * * *.").[11]

This contrasts with the situation presented in *Smith* v. *Johns-Manville Corp.*, 795 F.2d 301 (3rd Cir. 1986). In that case, the statute required this GSA to "[protect] the United States from avoidable loss" in the sale of surplus asbestos. 50 U.S.C. § 98b(e). This authorized the GSA to forgo warning labels that might otherwise be required under state law, and to sell surplus asbestos "as is," thereby requiring *purchasers* to assume the risk. Further, evidence adduced at trial clearly established that the decision not to place warning labels on packages of surplus asbestos was a deliberate policy choice.[12]

The difficulty with the "susceptible of discretion" approach used by the trial court is indicated by the Court's articulation in *Berkovitz* of the discretionary function standard: "The discretionary function exception applies only to conduct that involves the permissible exercise of policy judgment." 108 S. Ct. at 1959. Without an actual decision to forgo protecting or warning domestic bystanders, it is difficult to determine whether even the Navy would consider such a decision a permissible or impermissible exercise of policy judgment. Application of the exception where the agency fails to make a judgment threatens to turn the mandate of *Varig Airlines* on its head. As the court there stated: "Judicial intervention in such decision making through private tort suits would require the courts to "second-guess" the political, social, and economic judgments of an agency exercising its regulatory function. It was precisely this sort of judicial intervention in policymaking that the discretionary function exception was designed to prevent." 467 U.S. at 820. But where there is no policy judgment, courts would be "second-guessing" by implying one.

Beyond the lack of a Navy policy judgment, the nature of a putative policy not to warn domestic bystanders is highly speculative. We do not need to enter the policymaking arena to observe that it is difficult to imagine the Navy justifying a decision not to issue a simple warning to domestic bystanders of such potentially devastating danger, based on economic or other policy grounds. *Compare Shuman*, 765 F.2d at 288 (noting trial court's finding that "adoption of conventional safety standards would not have involved significant costs or significant delay to the war effort"), *with Johns-Manville*, 795 F.2d 301, 306 n.7 (recounting government official's assertion of the "substantial potential for great economic loss to the United States upon disposition" of large quantities of surplus asbestos, and his description of the substantial and avoidable costs of repackaging or relabeling same for sale to commercial buyers "better qualified than our own storage personnel to properly transport, unpackage, handle and use the material in their manufacturing processes").

Our decision that the government is not excepted from liability under the FTCA for its breach of a state law duty to warn finds support in a nost of decisions. See, e.g., *Angel* v. *United States*, 775 F.2d 132, 145 (6th Cir. !985) (failure to warn of danger of high voltage wire); *Artez* v. *United States*, 604 F.2d 417 (5th Cir. 1979) (failure to label substance as explosive); *Smith* v. *United States*, 546 F.2d 872 (10th Cir. 1976) (citing cases) (failure as landowner to post warning signs in national park); *Stephens* v. *United States*, 472 F. Supp. 998, 1009 (C.D. Ill. 1979); (same); *United States* v. *White*, 211 F.2d 79 (9th Cir. 1954) (failure of government as land owner to warn business invitee of danger from unexploded projectiles); *Pierce* v. *United States*, 142 F. Supp. 721 (E.D. Tenn. 1955), *aff'd*, 235 F.2d 466 (6th Cir. 1956) (failure to warn lineman of dangerous conditions in government-owned transmission facility); Annotation, *Liability of United States for Failure to Warn of Danger or Hazard Resulting from Governmental Act or Omission as Affected by "Discretionary Function or Duty" Exception to Federal Tort Claims Act*, 65 A.L.R. Fed. 358 (1983). *See also Henderson* v. *United States*, 784 F.2d 942, 943 n.2 (9th Cir. 1986) (safety decisions at government facility are operational in nature, and therefore not within the discretionary function exception); *Merklin* v. *United States*, 788 F.2d 172, 177 (3rd Cir. 1986) (duty of government as supplier of dangerous chattel to warn those who will foreseeably come in contact with the product of its inherent risks not within the exception). Perhaps the district court's analysis in *Pierce*, by analogy, best summarizes our conclusion in this case: "The initial decision to construct [electrical substations] and the decision to reactivate surely involved an exercise of discretion for which no liability attaches. Also the decision to undertake the reactivation work at the particular time it was commenced and similar decision going to the over-all success of the project would necessarily involve decisions at high level in which the exercise of discretion in the choice of various alternative courses of action would be involved. Even the decision to construct electrical substations and bring high-voltage power onto the premises would constitute discretionary functions. However, the Court is unable to go further and say that once the discretion was exercised to construct substations, any discretion was involved in the subsequent * * * failure to warn workmen of its dangerous condition when the rehabilitation program was commenced. * * *." 142 F. Supp. at 731.

IV. CONCLUSION

We conclude that the Navy's failure to warn domestic bystanders of the risks associated with exposure to asbestos dust is not "of the nature and quality that Congress intended to shield from tort liability." *Varig Airlines*, 467 U.S. at 813. We therefore reverse the trial court's judgment for the United States, and remand for entry of judgment in accordance with the trial court's previous findings on negligence, causation, and allocation of liability.

[From the Washington Post, Apr. 6, 1989]

(By Jack Anderson and Dale Van Atta)

DANGEROUS EXPOSURE AT NAVY SHIPYARD

The graveyard shift runs around the clock at the Puget Sound Navy Shipyard north of Seattle. Employees there are exposed to deadly chemicals without proper protection while they work feverishly to refurbish Navy warships.

Jim Denny knows the dangers firsthand. Denny, 33, a painter, has worked for 12 years at the shipyard and recently learned he has asbestosis, a lung condition that comes from breathing asbestos dust. Denny's father died with asbestosis in 1982 after working for 26 years at the same shipyard.

Denny's father put in his time at Puget Sound before the shipyard announced new controls for handling hazardous materials such as asbestos. But documents smuggled out of the shipyard and our interviews with workers indicate that the controls may be only lip service.

Workers still use compressed air to blow dirt and paint off ships before repainting them. These "blowdowns" are supposed to be conducted under strict federal guidelines because they fill the air with dangerous paint particles—and sometimes asbestos dust. Paint shop workers often wear respirators, but other workers around them breathe the dust kicked up during a blowdown.

Last November, two painters were instructed to "pretend stupidity" if anyone asked them what they were doing while they blew down the engine room of a nuclear-powered attack submarine, USS Seahorse. The note to act stupid was in shift-turnover instructions obtained by our associate Stewart Harris. In contrast, those instructions say nothing about how to isolate the dust kicked up by the workers.

Sources at the shipyard told us they are under pressure to sacrifice safety for higher production. The government-owned shipyard competes with private contractors for the Navy's business. Workers have been told that if production falls off, they could lose their jobs.

Two other painters told us that blowdowns were often conducted on the Seahorse without proper controls. Several others said they witnessed or were involved in uncontrolled blowdowns on another submarine, USS Tunny, which is still in the shipyard.

Last year, workers sand-blasted and chipped paint from the nuclear-powered guided-missile cruiser USS Texas. Several weeks later tests revealed that the paint contained asbestos fibers. Two workers, who talked to us on condition that they not be identified, said their personnel medical

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[11] The Navy does not appear to argue that its operation of the shipyard should be deemed a governmental function as a military operation. Indeed, Admiral Westfall, describing his position as commander of PNS, testified: "It was very much like being the president of a major industrial activity. Our naval shipyards are run like a private sector, they're financed the way. You don't get money from Washington, you have to earn it. You get money from Washington, you have to earn it. You can literally go broke. The difference in the profit is supposed to be zero." App. at 691a.

Rather, the government regards its ownership of PNS as irrelevant to the discretionary functions analysis. We view the government's ownership as relevant insofar as it removes this case from the category of government acting in its role as regulator of the conduct of private individuals, a class of conduct the Supreme Court has indicated is plainly within the discretionary function exception. *See Varig Airlines*, 467 U.S. at 813-14, 819-20. In short, the government as owner and operator of a shipyard should be held to the same standards as private shipyard owners, as in *Shuman* v. *United States*, 765 F. 2d 283, and *In re All Maine Asbestos Litigation (BIW Cases)*, 651 F. Supp. 1169 (D. Me. 1987).

[12] Though the district court is *Johns-Manville* found that the government did not affirmatively make a policy decision concerning warning labels, the court of appeals clearly rejected that view. 795 F.2d at 307 (framing issue as "whether GSA's decision not to label" feel within exception). The GSA official responsible for preparing and approving bid invitations averred that the invitations "required that asbestos be sold in the original packaging, with the same markings and in the same condition as it was acquired and stored" because "[t]o test, warranty, repackage, or relabel such materials at the time of disposal * * * would have resulted in avoidable cost to the government.") *See also In re All Maine Asbestos Litigation*, 581 F. Supp. 963, 971 (D. Maine 1984).

records still do not include a notation that they have been exposed to asbestos. That documentation is required by law so they can seek compensation if, like Denny, they come down with asbestosis.

This is not the first time Puget Sound has gambled with its workers' health. In 1986, the Occupational Safety and Health Administration cited the shipyard for failure to provide proper respiratory equipment for employees working around lead dust and chemical vapors. OSHA ordered the shipyard to correct the violation.

OSHA also found that noise levels over 85 decibels were not monitored in the shipyard machine shop according to regulations, and that workers ate and drank in areas where dangerous chemicals were used.

The Navy has not responded to our request for comment.

PRESIDENT'S SPEECH ON LATIN AMERICA

Mr. DOLE. Mr. President, in remarks today at a session of the Council of the Americas, President Bush gave a concise, level-headed review of American interests, goals, and policies toward Latin America. I want to share the President's remarks with my colleagues, by inserting them in the RECORD.

The whole speech is worth reading, but I wanted to specifically mention two sections.

The President lays out, about as well as I have seen done, our goals in Nicaragua. It boils down to three things: An end to Sandinista aggression; an end to Soviet intervention in this hemisphere, through massive, totally unwarranted military aid to Managua; and the establishment of true democracy inside Nicaragua.

The President doesn't mince words. He makes clear we will settle for nothing less than achievement of these three goals; and equally clear that—if Moscow and Managua do not amend their policies—they will bear responsibility for the results. As the President says in concluding this section of the speech: "The consolidation of Tyranny [in Nicaragua] will not be peace; it will be a crisis waiting to happen."

The other part of the speech I would especially note is the section on Panama. President Bush affirms that we have no more tolerance for Noriega's thuggery, than we do for Ortega's tyranny. If the upcoming election in Panama is the sham it is shaping up to be, President Bush declares, we just won't buy it; and we will shape our responding policies accordingly.

I know many other Senators join me in saying that we are determined this is not some kind of idle threat, but a realistic prediction of American policy. I hope Noriega reads the speech, and gets the message, before it is too late for a peaceful, democratic resolution of the Panamanian situation.

Mr. President, in conclusion, let me pull a line out of President Bush's speech today—actually a quote the President cited from one of the thousands of Salvadorans who braved the threat of guerrilla violence to vote in that country's recent election. When asked why he did, the man answered: "We just can't roll over and play dead each time we're threatened."

That is the central message of the President's speech, and the kernel of our policy in Latin America. We can't roll over every time we're threatened; democracy can't give in or compromise every time it confronts tyranny.

I commend that message, and the President's speech which articulates it, to all Senators, and to all Americans, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS BY THE PRESIDENT TO THE COUNCIL OF THE AMERICAS, LOY HENDERSON AUDITORIUM, DEPARTMENT OF STATE, WASHINGTON, DC, MAY 2, 1989

Looking around the world today, in the developing world and even in the communist bloc, we see the triumph of two great ideas: the idea of free government, and the idea of free enterprise.

Certainly, Latin America and the Caribbean are providing fertile ground for these ideas. Democracy—a decade ago the exception—is today the rule. The symbol of this new breeze is the ballot box. By year's end, 14 national elections will have been held across the Americas.

And let's remember what it means to vote when democracy itself is at stake. We're not talking about people who may stay home from the polls because it's raining, or rush hour traffic is heavy. We're talking about people risking their lives to exercise their democratic right.

Listen to the words of a Salvadoran man, on the eve of last month's presidential elections in that country—elections guerrilla forces vowed to disrupt:

"Of course I'm going to vote, although I have to admit it's very scary. . . . Here, going to the grocery store can be dangerous—but you have to do it. And you have to vote, too. We just can't roll over and play dead each time we're threatened."

That's the voice of democracy speaking—and it's the voice of courage and hope.

Economically, although there is concern about international debt, there are encouraging signs as well. Mexico has joined GATT, and is moving toward a more open and internationally-oriented economy. In Costa Rica, Brazil, and Venezuela new ventures are creating export opportunities that promise a broader economic base. You in the business community are among the pioneers and partners in these changes. You are contributing to Latin America's increased productivity—you are helping the region to fulfill its potential for progress.

The historic shift in political and economic thinking now underway in Latin America is good news for us all. Our task is clear: To make the most of the new opportunities open to us, we must improve our working partnerships in this hemisphere—between countries north and south, between government, business and labor, and, in the U.S., between the different branches of the Federal Government. We share common interests—we must work toward a common aim.

My Administration will work to build a new partnership for the Americas—a partnership built on mutual respect, and mutual responsibilities.

We seek a partnership rooted in a common commitment to democratic rule. [5]

The battle for democracy is far from over. The institutions of free government are still fragile, and in need of support. Our battlefield is the broad middle ground of democracy and popular government—our fight against the enemies of freedom on the extreme right and the extreme left.

As a result of the recent Bipartisan Accord on Central America, the United States is speaking with one voice on a matter of crucial importance to peace in Central America: Bringing democracy to Nicaragua, and peace to the region.

Let me take this opportunity to make several observations on steps that are vital to peace, security and democracy in Central America:

First, Nicaragua's effort to export violent revolution must stop. We cannot tolerate Sandinista support—which continues today—for insurgencies in El Salvador and Guatemala, and terrorism in Honduras. Peace in the region cannot co-exist with attempts to undermine democracy.

Second, we call upon the Soviet Union to end Soviet bloc support for the Nicaraguan assault on regional democracy. The United States ended military aid to the Nicaraguan Resistance two years ago; yet since that time, the Soviets continue to funnel about half a billion dollars worth of military assistance a year to the Sandinista regime—about the same rate as before we stopped our military aid to the Contras. Furthermore, Cuba and Nicaragua supplied by $7 billion in Soviet bloc aid, have stepped up arms flow to the Salvadoran guerrillas. Soviet bloc weapons, such as AD-47s, are now being sent through Cuba and Nicaragua to the guerrillas. That aid must stop.

The Soviet Union must understand that we hold it accountable for the consequences of this intervention—and for progress towards peace in the region and democracy in Nicaragua. As the Bipartisan Accord makes clear, continued Soviet support of violence an subversion in Central America is in direct violation of the Esquipulas Agreement concluded by the nations of Central America a year and a half ago.

Finally, within Nicaragua, we want to see a promise kept—the promise of democracy, withheld by the Sandinista regime for nearly a decade. To this end, the U.S. will continue to supply humanitarian aid to the Nicaraguan resistance through the elections scheduled in Nicaragua for February 1990. The conduct and the outcome of those elections will demonstrate to Nicaragua's neighbors and the international community whether it means to deliver on democracy.

But the Sandinistas' recent actions are ominous. April 25th was the benchmark date for Nicaragua to have in place electoral laws consistent with free and fair elections. Instead, restrictive new election and press laws have been pushed through the Sandinista-controlled legislature. These laws have been unilaterally imposed and the proposals of Nicaragua's opposition parties have been ignored. The result is a stacked deck against the opposition and stacked rules of the game.

The election law mandates unilaterally that half of all foreign political contributions go to the Surpeme Electoral Council, which remains under Sandinista control—and ignores proposals put forward by the

opposition to provide for unlimited freedom of access for international election observers. In effect, that's a stacked deck against freedom. The new law governing press conduct gives excessive controls to the Interior Ministry to policy violations against "national integrity," and continues the prohibition of private-sector ownership of television stations.

If there is to be peace in Nicaragua, the Sandinista regime must work with the opposition—including the Nicaraguan Resistance—to put in place election and press laws that are truly free and fair.

That means to have free and fair elections with outside observers given unfettered access to all election places and to all proceedings. It means a secret ballot on election day, the freedom to campaign, to organize, hold rallies—and to poll public opinion, to operate independent radio and television stations. It means the absence of intimidation either from a politicized Sandinista military or police, or from the neighborhood block committees that control people's ration cards. It means an end to the arrests and bullying of opposition leaders. It means freeing all political prisoners jailed under Sandinista rule, not just former Somoza soldiers.

If the Sandinistas fail this test, it will be a tragic setback—and a dangerous one. The consolidation of tyranny will not be peace; it will be a crisis waiting to happen.

I want to mention several other Latin nations where elections can signal positive change:

In El Salvador, last month's free and fair elections proved another ringing affirmation of that nation's commitment to democracy. We expect ARENA to exercise its political power responsibly. I have conveyed to President-elect Cristiani our commitment to human rights in El Salvador. He shares my concerns, and he deserves our support.

In Paraguay, the only country whose dictator had held power longer than Fidel Castro, elections have just taken place—the first hopeful sign that Paraguay is on its way to joining the democratic mainstream. We congratulate President-elect Rodriguez on his electoral victory and look forward to working with him. This Democratic opening must continue.

In Panama, however, the forecast for freedom is less clear. A free and fair vote in the elections scheduled for this Sunday would enable Panama to take a significant step towards ending the international isolation and internal economic crisis brought on by the Noriega regime. And in spite of intimidation from the authorities, Panama's opposition parties have—with great courage—taken their campaign to the Panamanian people. The Noriega regime's candidates are trailing in polls by a margin of 2 to 1.

Unfortunately, as Secretary Baker told you yesterday, it is evident that the regime is ready to resort to massive election fraud in order to remain in power. The Noriega regime continues to threaten and intimidate Panamanians who believe in democracy. It is also attempting to limit the presence and freedom of action of international observers, and to prevent journalists from reporting on the election process in Panama.

Let me be clear: The United States will not recognize the results of a fraudulent election engineered to keep Noriega in power.

All nations that value democracy—that understand free and fair elections are the very heart of their democratic system—should speak out against election fraud in Panama. That means the democracies of Europe, as well as nations in this hemisphere struggling to preserve the democratic systems they've fought so hard to put in place.

It's time for the plain truth: The day of the dictator is over. The people's right to democracy must not be denied.

A commitment to democracy is only one element in the new partnership I envision for the nations of the Americas. This new partnership must also aim at ensuring that the market economies survive, prosper and prevail.

The principals of economic freedom have not been applied as fully as the principal of democracy. While the poverty of statism and protectionism is more evident than ever, statist economies remain in place, stifling growth, in many Latin nations.

That is why the U.S. has made a new initiative to reduce the weight of debt, as Latin governments and leaders take the difficult steps to restructure their economies.

Economic growth requires policies that create a climate for investment—one that will attract new capital, and reverse the flight of capital out of the region.

We welcome the broad international support expressed for our ideas to strengthen the debt strategy. We urge the parties involved—the international financial institutions, debtor countries, and commercial banks—to make a sustained effort to move this process forward. We recognize the competing claims debtor governments must try to satisfy as they work to advance economic reform, service their debt, and respond to the needs of their citizens. However, we also understand that progress can be incremental process—case-by-case, step-by-step—provided there is a clear commitment to economic reform.

Finally, our common partnership must confront a common enemy: international drug traffickers.

Drugs threaten citizens and civil society throughout our hemisphere. Joining forces in the war on drugs is crucial. There is nothing gained by trying to lay blame and make recriminations. Drug abuse is a problem of both supply and demand—and attacking both is the only way we can defeat the drug menace.

There is a place in this new partnership for you in the Council of the Americas. Thomas Paine said that "the prosperity of any commerical nation is regulated by the prosperity of the rest." Your efforts contribute directly to the greater prosperity of all the nations of the Americas.

The challenges I've spoken of today won't be easy. But all of us—North and South, in government and in the private sector—can work together to meet the challenges, and master them.

We've got work to do—work that won't wait—to ensure that all the Americas enjoy the peace, freedom and prosperity that we cherish.

FUNDING FOR MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will now resume consideration of S. 431, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 431) to authorize funding for the Martin Luther King, Jr., Federal Holiday Commission.

Pending:

Helms Amendment No. 65, providing for a two-year extension of the Commission.

Helms Amendment No. 66 (to Amendment No. 65), to delete funding for the Commission.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the distinguished Chair.

Mr. President, perhaps it would be worthwhile to take a moment or so to recap the parliamentary situation as it now stands. There are two amendments pending to S. 431, the bill which has just been brought up again as the pending business.

The first-degree amendment would reduce the extension of the Martin Luther King Federal Holiday Commission from 5 years to 2 years. The second-degree amendment is a substitute to the first-degree amendment, and would delete any additional Federal funding for this Commission.

Yesterday, I discussed in some detail why this Senator, at least—and I may be a minority of one on this question—but this Senator believes that the Senate ought to abide by its word and by the statute that was adopted a few years ago in which the Senate was guaranteed by sponsors of the legislation, unanimously, that no Federal funds ever would be requested to operate this Commission.

Here we have an entity that has taken in an estimated $20 to $30 million from private donations and now they come to the Federal Government and say we want a little more gravy: $300,000 a year in the Senate bill, $500,000 a year in the House bill, which has already been passed. That may not be much money to a lot of folks, but it is to me, particularly when Senators are not spending their own money; they are spending the taxpayers' money.

So, that is sort of the predicate of what I am going to review for a little while this morning, with reference to both the first-degree and the second-degree amendments now pending, which I offered yesterday at the suggestion of the distinguished majority leader.

I laid down both amendments so that we would have a beginning point this morning. So, here we are.

The second-degree amendment now pending, as I say, would delete additional Federal funding for the Commission. The two amendments together give the Senate a choice. The Senate can agree to delete the Federal funding, in which case the bill would still contain a 5-year extension. However, if the Senate defeats the second-degree amendment to delete the fund-

ing, then the first-degree amendment will be pending to reduce the extension to 2 years, so the Congress can then decide whether yet another extension, presumably with more Federal funds, is appropriate.

As I said a moment ago, there are two entities, which I consider to be one entity, and I refer to it in that fashion. There is the King Commission and then there is the King Center.

Now, an officer of the King Center also is the only paid employee of the King Commission. All of the other employees of the King Commission are on loan from various agencies of the Federal Government. And that alone has cost something in the neighborhood of $2 million, not counting the $20 to $30 million that the King Center has received, reportedly, in private donations. But, in fact, they are one entity with two names. Hydra-headed, if you want to call it that. And before we vote at 11:30 on the amendment to delete the funding, let me review as quickly as I can a few of the points that I made yesterday.

The Martin Luther King Holiday Commission was established in 1984 when Congress determined that:

It is appropriate for the Federal Government to coordinate efforts with Americans of diverse backgrounds and with private organizations in the first observance of the holiday.

It did not say anything about teaching young people how to protest on campuses, or anywhere else. It said to observe properly the first King holiday. It did not say anything about the second observance of it or the third or whatever. It said "the first." That is what the law said.

Almost every Member of Congress, House and Senate, who spoke in favor of creating the Commission, stressed the point that, one, the Commission would exist for only 20 months and, two, no Federal funds would be used.

I remember it well. Senator after Senator got up and said: This is the greatest thing since sliced bread. No Federal funds will be used. It will be financed by private contributions, et cetera, et cetera, et cetera, as the King of Siam said.

Over in the House, Congressman Addabbo said very eloquently:

The maintenance of expenditures of the Commission are to be made from privately donated funds and therefore represent no further burden on the Federal budget.

He was unequivocal.

Then there was a Congressman named Mr. GARCIA who told the House:

The Commission will be a temporary structure and will disband forever after its work is done.

Bear it in mind, I say parenthetically, that the work was to make sure that the first observance of the King holiday was done right.

Then Congressman GARCIA proceeded:

It will require no Government funding and will be supported entirely through private contributions. Thus, the bill does not propose a permanent structure that will burden the budget and take scarce resources away from vital areas where they are needed.

Then there was a Congressman named COURTER who said:

I would emphasize also that this Commission will be functioning using private donations, private money, as Dr. Martin Luther King, Jr., would have it, I am quite sure, if he could express his own desire.

The first observance was held, then the second, and, in 1986, we heard arguments that the Commission still needed a few more years to complete the job that it started in 1984. I was a little baffled by that because the job was, remember, to set up the first observance of the King holiday, which was in 1986. In any case, the Senate, in its wisdom, if that is what it was, extended the life of the Commission 3 more years through April 1989.

Let us go back to that 1986 debate. I quoted some House Members. Fair is fair, so we will quote some Senate Members now.

Bear in mind that no Senator, no House Member ever implied, let alone stated, that there would be Federal funds involved in this, and they were wrong about that. But in the Senate, one of our most distinguished colleagues, one of the leaders of the Senate, stated unequivocally:

It should be emphasized that no Federal money is appropriated for the Commission. Rather, it operates entirely on donated funds. Under the extension legislation, the Commission would continue to be funded from these—

Meaning private—

sources. Expanding the size of the Commission should also enhance its ability to raise private sector funds.

That was the distinguished Senator who is one of my best friends, and he believed what he was saying because that is what he had been told.

Another distinguished colleague, equally unequivocal, said:

"No Federal funds would be required, and activities of the Commission will continue to be supported by private donations." I can hear him now.

Another distinguished colleague said the Commission "Does not cost the Federal Government a single penny." Well, I wish it were a single penny. I would not be here complaining, but what we are talking about is a minimum of $1½ million in the Senate version, or $2½ million in the House version which has already been passed. On top of that, the House version, which has been sent over here, makes permanent the life of this Commission.

So I am getting into all this for the sake of Senators who were not here yesterday. A great many had not gotten back to Washington. I think we need to correct for them, as I tried to yesterday, this misunderstanding that has been created as to whether the Martin Luther King Holiday Commission is supported by Federal funds. Contrary to what many of our colleagues have said, the Commission already receives significant support, in-kind support, from Federal funds. Where did I get that information? I got it from the annual report of the Commission itself. The 1988 annual report of the Commission said:

"All of the Commission staff, except for the executive director," and bear in mind that the executive director is a functionary with the King Center, a separate organization. So he is standing spraddle-legged between the two entities, which are, in fact, one.

The annual report of the Commission itself acknowledges that the value of these services provided by the taxpayers and the States for the 4-year period ending on February 28, 1989, was $1,729,000 in the Washington office and $375,000 in the Atlanta office. It needs to be borne in mind that never before, not for George Washington, not for Abraham Lincoln, not for anybody, for whom there has been a Federal holiday has there been an expenditure of funds, Federal funds. The taxpayers are not required to do that; never have.

But that $1,729,000 in the Washington office and the $375,000 in the Atlanta office does not include something else that the taxpayers furnished for this Commission—office space, the Federal Government gave it; furniture, the Federal Government provided it; equipment, belonged to the Federal Government on a nonreimbursable basis. The estimated value of the office space in the District of Columbia alone provided by the Department of Housing and Urban Development is approximately $50,000 per year.

Mr. President, I understand that the proponents of this bill feel a need to demonstrate their continued support for Dr. King by voting further to extend the life of the Commission. But I do hope that Senators will consider carefully the commitments that were made when the Commission was established and extended in 1984 and 1986, respectively—the commitments, the assurances, the guarantees even that the Commission would not cost the Federal Government, as the Congressman put it, one penny.

Let me say this about the Senator from Georgia. SAM NUNN and I came to the Senate the same day. We have been friends throughout that time. He is a straight arrow guy in all of his dealings with me, and I have tried to be with him. We happen to disagree

on this. I understand his position, and I hope he understands mine.

As a matter of fact, yesterday morning I met with Senator NUNN and the distinguished majority leader, Mr. MITCHELL, and the distinguished minority leader, Mr. DOLE, and certain acknowledgments were made which resulted in the drafting of the amendment which I understand will be offered which somewhat eases my mind with respect to this entire issue. I thank Senator NUNN for that. He is a gentleman. He is a friend. It is not too often that we disagree. This is one of the few times we do.

Senator NUNN had made the statement—and I hope I am not being presumptuous when I quote him—that he will not support a permanent extension of the Commission. He is candid about that, and I know that he will stick to that position. But I had not heard the same commitment expressed by anybody else on this floor—not one. I think it is very clear that the intent of many, if not most, of the proponents of the pending bill is to create eventually a permanent federally funded Commission, and who knows what that is going to cost. The House has already voted that proposition. They made it permanent in the legislation they sent to the Senate.

Mr. President, I have more to say but I do not want to monopolize the time because I know the Senator from Georgia wants to make his case. So let me inquire, is the time equally divided? I do not recall.

The PRESIDING OFFICER. The Senator is correct. There is an hour of debate equally divided in the usual form. The Senator from North Carolina now has 11 minutes and 38 seconds remaining, the Senator from Georgia has 29 minutes.

Mr. HELMS. Very well. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, how much time does the junior Senator from North Carolina desire?

Mr. SANFORD. About 2 minutes.

Mr. NUNN. I will be glad to yield to the junior Senator from North Carolina 3 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 minutes.

Mr. SANFORD. I would like to inquire of the Senator from Georgia if he thinks that 5 years is an adequate time to establish this Commission, and that if after that 5-year period we should anticipate it will be on its own and supported by private funds?

Mr. NUNN. I say to my friend, the junior Senator from North Carolina, that the House has passed a permanent authorization. It is my view that this Commission's task should be to devote its energy and dedication to not only help get the procedures and overall thrust of this holiday set in the country but, most importantly, to inspire American people, that it be a meaningful holiday in honor of Dr. King's life. That is what the Commission is trying to do. I do not view it as a permanent Commission or a permanent authorization. That is the reason I have drawn this bill as a 5-year authorization because, frankly speaking, I think the holiday should be so well instilled in people's minds in 5 years that we will not need a permanent Federal Commission to promote it. That is my hope. Of course, you would always have to review the situation in 3 years or 4 years and decide at that time what the needs are.

So it is my view at this time we should not make it permanent; we should make it a 5-year provision, and I hope that this holiday and what it stands for and what Dr. King stood for will be so instilled as part of the American celebration annually we will not have to make it a permanent Commission. I hope not only the holiday but its spirit is important in the lives of our people.

Mr. SANFORD. I understand in the beginning, although I was not serving in the Senate at the time, the purpose of the Federal funds was to make certain that people did understand this movement in American history, this significant change in American history, this celebration of the change, not so much just the recognition of an individual but that it was the recognition of the whole movement which so drastically changed society; that since it was broader than just the recognition of an individual birthday, perhaps the Federal Government's subsidy would help it get started.

But I understood at the time, and thought at the time, that the credibility of the efforts in the long run would be much better if it were not a Federal agency, so to speak.

So I make the point when we vote for this bill, which I have cosponsored, we are in effect saying we think the Federal Government's help in getting it started will come to an end in 5 years and we do not anticipate that this is going to be a permanent Federal agency.

Mr. NUNN. That is my own view. As a matter of fact, if we define the success of this Commission—success as I view it as one individual sponsor of this bill—it would be that we had so instilled in the minds of the American people what Dr. King and this entire movement stood for that we would not need permanent appropriated funds to remind us each year, that it would then be a part of the American way of life.

Mr. SANFORD. I agree, and I would like the RECORD to reflect in this exchange between the Senator and myself that it is not our intention to make this a permanent matter but to make it simply a period of time to get the whole concept established.

Mr. NUNN. That is exactly right. There are young Americans now who are in school who do not remember the events which took place in the 1940's, 1950's, and 1960's, who do not remember the civil rights movement of the 1950's, 1960's, and even the 1970's, and it is to instill in this generation of Americans throughout this country a keen understanding as to what this movement meant, what it meant for America and what it continues to mean for people of all races, black people, white people, indeed all Americans. So that is the understanding of the Senator from Georgia. I can only speak for myself. I do not try to speak for anyone else, but that is my view.

Mr. SANFORD. I thank the Senator.

Mr. NUNN. Mr. President, how much time does the Senator from Georgia have remaining?

The PRESIDING OFFICER (Mr. KOHL). The Senator from Georgia has 22 minutes, 41 seconds remaining.

Mr. NUNN. Mr. President, the two amendments to S. 431 proposed by my colleague from North Carolina, Senator HELMS, would eliminate direct Federal funding for the Martin Luther King, Jr. Commission and would limit the extension of its authorization to 2 years rather than 5.

Since the basic purpose of S. 431 is to extend the life of the Commission for 5 years and to authorize a small Federal appropriation for that period, I suppose you could say that these amendments strike pretty close to the heart of the bill.

With all due respect to Senator HELMS, I must disagree with some of the conclusions he has reached about the implications of making $300,000 available to the Commission. It is suggested that we are setting some sort of dangerous precedent by authorizing Federal funding for a commemorative commission. We have already pointed out on several occasions we have authorized Federal funds for a variety of commissions including the Christopher Columbus Jubilee Commission, the Constitution Bicentennial Commission, and others. Beyond that, there is absolutely nothing unusual about authorizing Federal funds to honor outstanding American leaders.

An exhaustive compilation of Federal spending authorized for commemorative purposes does not exist, but if it did it would probably be a very long list. I found some facts and figures about memorial precedents in just one area of Federal policymaking. Let us take the area of education. Since fiscal year 1975, appropriation bills have contained a total of $144 million on educational grants and endowments to institutions to honor former or cur-

rent Members of Congress. These were outstanding Americans. I found 16, and I have not made an exhaustive study. They were outstanding American leaders. So was Dr. Martin Luther King, Jr.

There is plenty of precedent for this authorization of Federal funds and, in fact, as the Senator from North Carolina, Senator HELMS, concedes, there is precedent for the use of Federal funds to support this King Holiday Commission even though they were indirect in kind rather than direct appropriated funds.

From the very beginning, in 1984, Congress authorized Federal agencies to support the Commission with in-kind services, especially staff on temporary detail. So far, assistance valued at $2.3 million has been supplied under this authorization. So I fail to see why it sets some kind of dangerous precedent to offer $300,000 a year in Federal funds, especially when one of the major purposes of offering funding is to allow the Commission to hire a small permanent staff instead of exclusively relying on temporary staff.

We are not stepping off some sort of dangerous road with this legislation. It is a continuation of what we did in 1983, 1984, and 1986. That should be clear enough, but I think there is some misunderstanding about statements made on the House and Senator floor when the Commission was created and then extended. When the Commission was created in 1984, several House Members noted that it did not provide a direct Federal appropriation, and they applauded the fact that the Commission would undertake the work without it. When the Commission was extended in 1986, several Senators made the same sort of remark. These remarks by various Members did not represent any sort of deal that I am aware of or any kind of assurance that the Commission could function in the future without the kind of Federal support we offer in similar cases.

So I do not see why we really now need to, in any way, be bashful about asking for a small—and I emphasize "small"—modest funding program here for a 5-year period.

I think there is a basic point here that we have not talked about; that is, that the Federal Holiday Commission is a Federal body required by Federal law to perform congressionally mandated responsibilities. I think we have a responsibility to support with funds what we require people to do. From that perspective, it certainly makes no sense to punish the Commission by denying them support today simply because they have gone without it in the past.

Senator HELMS' second amendment would limit the extension of the Commission's life to 2 years rather than 5 years.

At this point I want to make it clear, as I already have with the dialog a few minutes ago and as I did last year when I introduced this bill, that I do not favor a permanent authorization for the Commission as was provided in the bill enacted by the House. To me that means we think we have to have permanent Federal money to instill in the American people the purpose of this Commission. I do not believe that is the case. I believe we can succeed in doing that in a 5-year period from this point. We have to review it. We have to review it in another 3 or 4 years to see at that stage what is needed.

I do not favor an open-ended authorization kind of procedure in general, not just on this but in general. I have opposed open-ended authorizations before. I think the very essence of what we are here for representing our people is to review on a periodic basis whether things have changed rather than taking the position something is needed forever when we set it up here in law.

The 5-year authorization included in S. 431 is based on a reasonable estimate of the minimum time we can really be sure that the Commission's work will be needed. I think this minimum time of 5 years certainly is clearly needed. I want to remind the Senators that we have given this Commission two responsibilities: first, to encourage broad recognition of and participation in the Martin Luther King Federal holiday; and, second, to provide information and assistance to those who participate.

To the extent that the first responsibility is discharged, the second responsibility becomes more burdensome.

I cited a lot of statistics yesterday about the number of requests for information and help the Commission received last year from this country, and from indeed all over the world. I need not cite them again. But there is a tremendous demand for information by the people of this country, and indeed by the people of the world. And the Commission's existence is fully justified if for no other reason than that alone, to let people know what is going on—and there are thousands and tens of thousands of people who want to know, and who want to participate.

The point is with 45 States on board as recognizing the holiday—5 States are not on board—there is no reason to believe that the Commission's work can be completed in 1 or 2 years. I think the 5-year period is a reasonable estimate. A 5-year reauthorization will ensure the Commission stays alive when we are sure there is plenty of work to do, and will give Congress an opportunity to revisit the issue in a few years.

Mr. President, the amendments that are being proposed that we will vote on at 11:30 clearly strike at the heart not only of what S. 431 would accomplish, but what we set out to do in the beginning by recognizing the Martin Luther King holiday.

So I urge the Senate to reject both of these amendments.

Mr. President, I will be glad to yield to the Senator from Massachusetts 5 minutes.

Mr. KENNEDY. Mr. President, I want to first of all join in commending the Senator from Georgia, Senator NUNN, for leadership on this particular issue, and to support his position in rejecting the amendments of the Senator from North Carolina.

As I mentioned yesterday during the course of the debate, it took some 18 years to develop this legislation. During that period of time, we faced many voices here in this body that urged delay in the Senate addressing and our country addressing the substance of the issue, which was the declaration of a holiday to honor one of the great Americans who brought the cause of racial justice and the cause of economic justice to the American people in a nonviolent way which permitted the institutions of our Nation to address these questions.

Today we are a fairer land, a more just land, a land that still has enormous problems internally but nonetheless this progress has been made which I think is historical from any point of view given the background of where we were in enshrining against slavery in the Constitution of the United States, and recognizing that this Nation faced a bloody Civil War in addressing the issue of slavery in the 1860's.

And in the 1960's we were able to make remarkable progress by appealing to the conscience of this Nation by the eloquence and by the moral authority of this very gifted and talented religious leader who demonstrated such extraordinary personal physical courage time in and time out, and who eventually lost his life in the service of fellow citizens for the cause of economic justice.

So, Mr. President, issues are raised as we address this particular question primarily of those who were opposed to the development of the holiday in the first place. I have not heard a voice from any Member who supported the holiday in the first place now urging support for the two amendments of the Senator from North Carolina. There are Members of this body, still in this body, who opposed the development of the King holiday in the first place, and now are continuing to fight a rearguard action. That is not really unusual in this institution but we ought to be quite ready and willing to call the tactics of those who are supporting these amendments to this legislation.

I would say that those who were involved in the Commission itself in the development of the Martin Luther King holiday deserve credit. Their first effort was to try to raise sufficient funds to have an adequate celebration through private sources. How many other times have we faced that when someone wants the appropriation first and then we will try to do the private sector second? Those who supported the legislation understood that it was the desire of the supporters for the legislation to do it through the private sector. I think that is a credit to those involved in it.

Quite frankly, Mr. President, many of us thought that the need for bringing to the American people the continued plight of racial injustice in our society and economic injustice might have diminished in our society over the years since the death of Martin Luther King, and since we have had an opportunity to examine both his life and examine the issues that have been brought to bear. But I think all of us have been reminded about how the injustice continues, and how the seeds of hostility and bigotry and in too many instances hatred still are evident in our society.

In spite of the goodwill and the determination and the leadership that has been provided by religious leaders, business leaders, labor leaders, and others, it is still there. I think one of the important commitments of this Nation is to try to remove it, remove the stain of bigotry in our society. We still have a ways to go.

I think all of us who were a part of the shaping and the fashioning in support of this legislation believed that the need for that kind of continued attention would have diminished, but it has not. So we are faced with what small, but important, contribution the holiday serves, where at least for 1 day, 1 day out of 365, that the people of this country will be able to take a few moments, a few hours, to contemplate both the life of Dr. King, the methods of Dr. King, the causes of Dr. King, which have been recognized internationally with the Nobel Prize, and have been recognized by the people who know him and who have read his works and heard that extraordinary, clear and compelling voice that reached the soul of this Nation.

That is what we are about, Mr. President, to try to ensure that at least one part of the year, 1 day of the year—hopefully 365 days of the year—but at least 1 day of the year, we are going to focus on that extraordinary legacy. That is why I am proud to be a cosponsor of the legislation, proud to support the positions which have been stated by the Senator from Georgia, and I urge the Members to reject those amendments and move to a quick and speedy passage of the legislation.

I thank the Senator from Georgia.

Mr. NUNN. I thank the Senator from Massachusetts.

Mr. President, I ask the Senator from Michigan, How much time do you need?

Mr. LEVIN. Four minutes.

Mr. NUNN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Nine minutes.

Mr. NUNN. I yield 4 minutes to the Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank Senator NUNN and the other cosponsors for the leadership in moving and advancing this legislation. I am both proud and honored to have joined Senator NUNN as an original cosponsor of S. 431, which provides for the reauthorization of the Martin Luther King, Jr., Federal Holiday Commission for 5 years at a $300,000 annual funding level.

Dr. King's death is 20 years behind us now; to some extent, deeply felt passions and the frustration, anguish, and bitterness with which the Nation was consumed during the tragic year of 1968 have subsided. But what remains with us and what is indelibly woven into the fabric and history of our Nation is the vision which Dr. King lived for and the dream for which he died. This vision and dream embraced all Americans in Dr. King's quest to make a living reality of equality of opportunity and economic and social justice for all humankind—those fundamental principles in our Constitution.

This great warrior, whose battlefield was the hearts and minds of those who did not feel that justice and dignity were meant for all people; whose shield and armor were strong determination and an unassailable character; and whose ammunition was moral conviction and self-sacrifice, deserves the fullest honor of this Nation. Few have dedicated their life so tirelessly in the struggle for equality as Dr. King. From the bus boycott in Montgomery to the sanitation workers in Memphis, his unyielding commitment to improve the lot of all Americans was demonstrated—he achieved significant goals by peaceful and nonviolent actions.

The observance of the Federal legal holiday honoring Dr. King's birthday provides appropriate recognition of that dream. The Commission, through its statutory mandate, encourages appropriate ceremonies and activities in observance of the holiday and performs the vital service of providing advice and assistance to Federal, State, and local governments and private organizations for their activities in honor of Dr. King.

The Commission has been instrumental in promoting the importance of educational excellence among our youth, and has responded to thousands of requests from school districts, principals, and teachers for information to conduct special "teach-ins" each year during the week of the holiday honoring Dr. King.

I hope that we will defeat any attempts to limit the essential activities of this Commission or to dictate to this Commission what their activities should be.

I hope we will also defeat any attempt to delete or decrease the authorization of direct Federal funds for the Commission. A resounding vote on S. 431 will send a message to all Americans that the principles for which Dr. King stood—equality, peace, justice, and compassion for all people—are principles of supreme value of each of us.

Mr. President, I yield back any time that I might have remaining, and I again thank my friend from Georgia.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, how much of my leader time do I have remaining?

The PRESIDING OFFICER. The leader has 8 minutes remaining.

Mr. MITCHELL. Then I will use that time and leave the remaining time to the distinguished manager, the Senator from Georgia.

Mr. President, I support S. 431, the reauthorization of the Martin Luther King Holiday Commission for 5 years with an annual funding level of $300,000 per year.

The Commission has been a success. Forty-five States now observe Martin Luther King Day each January.

As Senator DOLE remarked yesterday, however, the Commission has struggled to maintain from private sources funding sufficient to sustain its activities and to work for the acceptance of the holiday by all the States.

Although the Martin Luther King Center has been successful in attracting private funds, the Commission has not enjoyed the same fortune. That results from the fact that Americans have now accepted the King holiday and the accompanying activities, so the normal incentive for giving—to accomplish a purpose—seems to potential benefactors to have been accomplished.

Yet it is a fact that without the efforts of the Commission to provide materials and assistance, the celebrations that mark the day in thousands of American communities would not have gotten off the ground.

The Holiday Commission has distributed thousands of informational packages, posters, and other materials. It has provided information about Dr. King to help localities develop their own celebrations. The Commission has helped reinvigorate for 1 day each

year the pride that Americans of all races take in our society's movement toward full equality before the law.

To continue to fulfill these functions, the Commission needs an extension of its life and has earned a modest degree of Federal financial support.

It is true, as has been claimed, that no other national holiday includes a federally chartered Commission funded to promote the purpose of the holiday.

But I do not think it is an unsupportable analogy to suggest that the Bicentennial Commission's function, in part, is to reinvigorate our understanding of such holidays as the Washington Birthday observance and Independence Day.

Senators will remember that the Bicentennial Commission was funded to the amount of $13 million in 1987. In the same year, the Holocaust Memorial Commission received $2.1 million in Federal funds.

So I do not find the argument about uniqueness persuasive.

There is, as well, a broader reason why I believe that the effort to cut off funds and shorten the life of the Commission is misguided.

A major objection of supporters of the funding elimination is that the celebration of Martin Luther King Day implicitly and explicitly supports the idea of nonviolent social change.

The compromise amendment to be offered eliminates any confusion over the line between explicit and implicit support for nonviolent social change.

But the large fact is that ours is a nation whose founding document is predicated on the goal of nonviolent political change. The Founders of the Constitution rejected the uncertainties and potential for violence that always attend a hereditary monarchy.

Our history reflects the accommodation of wrenching social and economic change through nonviolent political means.

The one tragic exception is the Civil War. After the Civil War, it became evident that regardless how readily we accommodated many other changes, our system had no easy means to assimilate the totally disenfranchised.

No society in the history of the world has ever developed a mechanism for permitting those outside its structure to change it for their own benefit. Ours was no exception.

Waves of immigrants were assimilated into our society in the same hundred years that black Americans, born American generation after generation, were barred from the same routes to assimilation.

It was the genius of Martin Luther King that he was able to see to the deepest roots of our system—our moral tradition—and to appeal to it.

By insisting, as he did, that protest against unjust laws be carried out peacefully, without violence, he ensured that ultimately the moral truth of equality in God's sight and man's would prevail.

It was the genius of Martin Luther King to recognize that nonviolent change and the rule of law were ultimately indivisible. In a nation like ours, where the rule of law is the tradition, injustice cannot prevail forever.

Change comes in many ways to societies. To most it comes with violence, to many with disruption. But it comes to all. To those who oppose nonviolent change, I ask: What kind of change do they prefer?

The Martin Luther King Holiday Commission, by the terms of its original charter and the reauthorization before us today, is charged with helping our communities commemorate and celebrate the great moral change that marks the success of the civil rights movement.

The compromise amendment I mentioned earlier allays any legitimate concern that the focus of the Commission remain fixed on the holiday observance exclusively. And the 5-year reauthorization gives a future Congress the opportunity to revisit the issue and determine, then, if the Commission's work is fairly concluded.

This is a modest and worthwhile proposal. It deserves the support of every Senator and I urge all my colleagues to give it theirs.

Mr. President, I thank the distinguished Senator from Georgia, and I now yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the majority leader for a very eloquent statement. I think he expressed the views of most Americans in that statement. I commend him for it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. May I inquire how much time I have remaining.

The PRESIDING OFFICER. The Senator has 11 minutes and 31 seconds.

Mr. HELMS. Mr. President, the distinguished majority leader used 8 minutes from his leadership time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. That means the vote will be delayed until 11:38?

The PRESIDING OFFICER. Under the precedents the 8 minutes of the leader time has to come out proportionately from each side.

Mr. HELMS. I am sorry. I did not understand the Chair.

The PRESIDING OFFICER. The 8 minutes would come out proportionately from each side because we have a vote at a time certain.

Mr. HELMS. So I do not have 11 minutes and 30 seconds remaining. Is that what the Chair is saying?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. HELMS. I will not protest. I did not understand it. We have a policy and a unanimous-consent agreement where time was equally divided as I understood the Chair to say. Mr. FORD was in the Chair at the time I proposed that inquiry. No matter. We will vote at 11:30. I have no problem.

Mr. NUNN. Does the Senator need additional time?

Mr. HELMS. I do not think so, and I thank the Senator.

Mr. NUNN. I am glad to join in unanimous consent to extend for 5 minutes.

Mr. HELMS. Let us see. I would rather hold to the 11:30 time, but I was curious about what happened.

I do not want to gild the lily, Mr. President. But the example has been used two or three times on the floor, the Christopher Columbus Commission, as an example to set a precedent.

We have not set up an annual appropriation for any other individual honored with a holiday, never. This is the first time.

Actually the Commission that my good colleague has referred to with reference to Christopher Columbus was to celebrate the 500th anniversary of 1492, and I do not think I will be around here for the next 500 years.

But in any case I will say to my friend that I voted against that as well. I do not think we ought to spend the taxpayers' money with a lot of folderol even though Christopher Columbus did a pretty good thing when he discovered America. He did not know what he was doing, and if he was back here he might have some problems with that.

Mr. President, of the two amendments pending, the first will be to cut off funds and that is going to be defeated. I have no delusions about that. But if it were to happen that the second-degree amendment should be approved I would have no objection to the 5-year extension. I have no objection to the extension of the Commission just so that we do not set the precedent of having an annual appropriation for any holiday.

Mr. President, the statement was made just now by the distinguished majority leader that the first statute that was passed was designed to promote this and promote that in terms of nonviolent protests and that sort of thing. I must take exception to my friend, the distinguished majority leader. That is not what the statute said. That is not what the bill said.

The bill was to promote the first observance of the Martin Luther King holiday. That is what it was designed to do. That is what the stated purpose

was and there is no escaping what it was intended to do.

Then they extended the Commission after the first holiday, and here we are facing what the House is already demanding, to make permanent this Commission and to make permanent an annual appropriation, and I do think this is a bad precedent. It has not happened before.

Furthermore, we are going to have an amendment, I presume agreed to by the distinguished Senator from Georgia, the distinguished minority leader and the Senator from North Carolina, which will rectify a part of my concerns. But I must point out that no hearings on the pending bill were held by the Senate Judiciary Committee. That is my information. I believe it to be correct. It was taken up in a business session of the Judiciary Committee and reported out, and that is why it is before us.

I wrote the distinguished Senator from Delaware [Mr. BIDEN], the chairman of the Judiciary Committee and suggested that we have hearings, and I stated my concerns to him. I have a response probably written by staff, saying that he will be glad to discuss my concerns during the debate on the Senate floor. I have not even seen Senator BIDEN on the floor during this debate. I do not criticize him for that because he is a busy Senator.

The point is there has not been 1 minute of hearings on the bill now pending to which I have offered a first-degree amendment and a second-degree amendment.

I do not think that is the way the Senate ought to operate. Agree with me or not about whether we ought to be spending the taxpayers' money for this, the Senate ought to have hearings on this matter. The Senate has not had hearings on the matter.

We have had a great many expressions from Senators, and I do not mean a whole lot of disrespect when I say that they have been self-serving declarations about how much they care about civil rights, and some of the Senators might look to the civil rights situation in their own States. But I do not want to get personal about this thing. I am simply saying that the Senate did not act in accordance with the traditions that I believe in the Senate should prevail at all times.

Mr. President, there is no other federally funded entity established simply to promote a particular Federal holiday on an annual basis. We've heard reference the Christopher Columbus Quincentenary Jubilee Commission and the Commission on the Bicentennial of the U.S. Constitution. However, those are established to celebrate exceptionally unique events in our history: one to celebrate a 200th anniversary, and one to celebrate a 500th anniversary. And then they will terminate.

What distinguishes this holiday from Independence Day, or Washington's Birthday, or Lincoln's Birthday, to justify a permanent, federally funded Commission to promote it?

Mr. President, before we appropriate Federal funds specifically for this Commission, I think that the Senate should know exactly how the funds will be used. Some of the activities described in the Commission's annual report clearly go beyond the purpose for which the Commission was intended. That is why I requested the Judiciary Committee to hold hearings on the activities of the Commission.

Mr. President, the purpose of the Commission was clearly set forth in the authorizing legislation:

1. To encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal legal holiday honoring Martin Luther King, Jr., which occurs on January 20, 1986; and

2. To provide advice and assistance to Federal, State, and local governments and to private organizations with respect to the observance of such holiday.

We will talk about the activities of the Commission more when we address the amendment that has been agreed to by some Members of the leadership. But let me mention a few of the many activities and programs that are described in the Commission's annual report. I simply ask each Member to consider whether Federal funds should be used to support each of these programs and activities.

According to the 1988 annual report:

The Commission expanded the Freedom Trail Map Program that began in 1986-1987. * * * The focus of the Freedom Trail provides a stimulus to individuals, organizations, and communities in America—as well as for nations around the globe—to demonstrate commitment to nonviolent social change.

The Commission also worked with the King Center for Nonviolent Social Change, and the U.S. Student Association, to conduct a national college student conference in Atlanta. At this conference, "The Commission sought to reestablish a national college and university student coalition dedicated to the principles of nonviolent social change." The conference "brought hundreds of students * * * to Atlanta for formal training in Kingian nonviolence philosophy and strategy."

Later, the report states that:

The students learned how to bring protest campaigns through the stages of information, education, personal commitment [sic] and purification, negotiation, direct action, reconciliation, and gained fundamental skills which allowed them to return to their campuses and effectively deal with injustices. The Conference also encouraged students to register and vote.

Mr. President, as I mentioned earlier, an amendment will be offered at a later time to address those activities.

The report also states that the Commission "has called upon holiday commissions—State/city/local—as well as other organizations, and groups to identify and undertake a Martin Luther King, Jr. Heritage Action Project." These projects "must address problems of poverty, racism, war, and violence in its many forms, and how these issues impact upon the human experience."

The report sets out appropriate examples, including: First, housing for the poor; second, shelters for the homeless; third, creative efforts to promote peacekeeping and peacemaking; fourth, community service programs to help the elderly, the handicapped/physically challenged or other disadvantaged groups; fifth, programs to address the problems of drug abuse, teenage pregnancy, illiteracy, crime, unemployment and underemployment; sixth, assistance to small farmers and refugees; seventh, scholarships for students and adults to receive nonviolence training at the King Center in Atlanta; and eighth, nonviolent projects to eliminate apartheid in South Africa and to promote independent nations in the southern African region.

Mr. President, many of these efforts sound like very good projects. But the question before us today is whether the purpose of this Commission is to use Federal funds to lobby State and local governments on these issues. It clearly is not.

Yet another effort of the Commission is the "formalization of instruction on Dr. King in public and private schools, colleges, and universities. * * * The Commission sees an increasing need for the establishment of an Educational Materials Clearinghouse on Dr. King. The Clearinghouse will plan programs based on ongoing assessments of currently developed educational materials related to Dr. King, identify needs and improvements in curricular areas, maintain information on the current trends in educational practices and teaching techniques, and interact with State and local education agencies, principals, teachers, parents, educational associations, libraries, media and other information dissemination sources."

Another primary function of the Commission has been to lobby State and local governments to establish a holiday. According to the report, the Commission "began immediately upon its establishment to encourage State governments to enact legislation establishing corresponding State holidays and to establish State holiday commissions designed to institutionalize the holiday in their States. * * * The Commission encourages all States to use the legislative process to establish the day as a paid holiday for employees."

In fact, it states that the Governor of each State "will be asked to make a one-time contribution of $500 to the

Federal Commission." Later, it points out that "Each mayor will also be asked to make a one-time contribution of $250 to the Federal Commission."

Mr. President, many of our colleagues love to blame President Reagan for creating the current Federal deficit. They talk about how the Federal deficit is preventing the Federal Government from adequately funding programs to feed children, to take care of the elderly, to help bring people out of poverty. Yet these same people will vote for this additional Federal funding for a program which can be described, at best, as nonessential.

I assume that my time has expired. Of course, I yield the floor.

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Georgia has 2 minutes.

Mr. NUNN. Mr. President, I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as a member of the Judiciary Committee, this measure was amply discussed. Hearings have been held in both Houses of the Congress on the issue that is before us.

The question of the extension and the appropriation was brought up before the full Judiciary Committee. Everyone understood it. Senator BIDEN asked whether there were any comments on it and it was reported without any objection whatsoever.

So I do want to say that we are talking about a subject that this membership is familiar with. I commend the leader for giving us an opportunity to act and act early in this session.

I yield back whatever time I may have remaining.

Mr. NUNN. Mr. President, I am prepared to yield back the remainder of my time.

Mr. KOHL. Mr. President, I rise in opposition to the amendments offered by the gentleman from North Carolina.

The Martin Luther King, Jr., Federal Holiday Commission was established in 1984 to encourage the observance of the Federal holiday honoring Dr. King. When the Commission began its work, fewer than half the States observed the King holiday; now, all but a handful celebrate this important occasion.

Through pamphlets, posters, newsletters and special events, the Commission has helped spread Dr. King's message of racial equality and nonviolent social change. More importantly, it has reached out to young people across the Nation by making these materials and activities available to our schools.

But while the Commission has done outstanding work, I believe that it needs more than 2 additional years to complete its mission. As Dr. King himself wrote in his letter from the Birmingham jail, "injustice anywhere is a threat to justice everywhere." Extending the life of the Commission for another 5 years will simply help reduce this threat and further Dr. King's dream of peace and justice.

Moreover, an annual appropriation of $300,000 will help the Commission work more efffectively. Since its inception, the Commission has operated without Federal funding. As a result, it has had to devote far too much time soliciting contributions and not enough time carrying out its mandate. By giving the Commission a modest stipend—one that is a fraction of the cost of our cheapest weapons system—we will ensure that this important holiday remains a constructive force for all Americans.

Mr. President, I urge my colleagues to defeat these amendments and help Dr. King's vision become a reality for all of us.

Mr. HELMS. Mr. President, inasmuch as my time was reduced through no fault of my own, I ask unanimous consent that I may have 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, no Senator, present or absent, can suggest that a hearing has been held on the bill now before the Senate. It is misleading—and I do not suggest that it is intentionally misleading—it is misleading to suggest that this bill had 1 minute of hearing.

I yield back the remainder of my time.

Mr. NUNN. Mr. President, I yield back the remainder of my time.

Did the Senator ask for the yeas and nays?

Mr. HELMS. The yeas and nays have been ordered.

VOTE ON AMENDMENT NO. 66

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now vote on the Helms amendment No. 66. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Delaware [Mr. ROTH] are necessarily absent.

The result was announced—yeas 11, nays 86, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—11

Armstrong	Lott	Rudman
Baucus	Mack	Symms
Gramm	McClure	Wallop
Helms	Pressler	

NAYS—86

Adams	Bond	Bryan
Bentsen	Boren	Bumpers
Biden	Bradley	Burdick
Bingaman	Breaux	Burns
Byrd	Harkin	Mitchell
Chafee	Hatch	Moynihan
Coats	Hatfield	Murkowski
Cochran	Heflin	Nickles
Cohen	Heinz	Nunn
Conrad	Hollings	Packwood
Cranston	Inouye	Pell
D'Amato	Jeffords	Pryor
Danforth	Johnston	Reid
Daschle	Kassebaum	Riegle
DeConcini	Kasten	Robb
Dixon	Kennedy	Rockefeller
Dodd	Kerrey	Sanford
Dole	Kerry	Sarbanes
Domenici	Kohl	Sasser
Durenberger	Lautenberg	Shelby
Exon	Leahy	Simon
Ford	Levin	Simpson
Fowler	Lieberman	Specter
Garn	Lugar	Stevens
Glenn	Matsunaga	Thurmond
Gore	McCain	Warner
Gorton	McConnell	Wilson
Graham	Metzenbaum	Wirth
Grassley	Mikulski	

NOT VOTING—3

Boschwitz	Humphrey	Roth

So the amendment (No. 66) was rejected.

VOTE ON AMENDMENT NO. 65

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the Helms amendment No. 65. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Hamsphire [Mr. HUMPHREY] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 6, nays 92, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—6

Helms	Pressler	Symms
McClure	Rudman	Wallop

NAYS—92

Adams	Exon	Mack
Armstrong	Ford	Matsunaga
Baucus	Fowler	McCain
Bentsen	Garn	McConnell
Biden	Glenn	Metzenbaum
Bingaman	Gore	Mikulski
Bond	Gorton	Mitchell
Boren	Graham	Moynihan
Boschwitz	Gramm	Murkowski
Bradley	Grassley	Nickles
Breaux	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burdick	Heflin	Pryor
Burns	Heinz	Reid
Byrd	Hollings	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Thurmond
Dodd	Levin	Warner
Dole	Lieberman	Wilson
Domenici	Lott	Wirth
Durenberger	Lugar	

NOT VOTING—2

Humphrey	Roth

So the amendment (No. 65) was rejected.

Mr. HELMS. Mr. President, permit me to suggest the absence of a quorum for just 1 second.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2 p.m.

Thereupon, at 12:07 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

FUNDING FOR MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

The Senate continued with the consideration of the bill.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PLO AND WHO

Mr. DIXON. Mr. President, I rise to call attention to yesterday's lead editorial in the Washington Post, "The PLO and the WHO." The PLO has filed an application to be admitted as a full member state to the World Health Organization, which operates under the authority of the United Nations.

Let me quote the editorial: "At the top of the application letter and in a stamp at the bottom is a physical representation of the newly proclaimed Palestinian state." The representation, Mr. President, includes all of the present State of Israel. Let me say that again, Mr. President, because I cannot believe the audacity and gall of the PLO: The drawing incorporates all of the present State of Israel.

The representation of a Palestinian state on the PLO letterhead is the same as that contained in the anti-Isaeli Palestine National Covenant. The covenant is clear as to its position on the State of Israel. It wants Israel buried in the ground.

As a means of expressing my dismay about what the PLO is trying to do, I will join Senators LEAHY and KASTEN in sending a letter to President Bush expressing grave concern about this issue. The letter calls on the President to use all means necessary to convince our friends and allies to prevent the PLO from entering the World Health Organization.

The PLO has been exposed again, Mr. President. To paraphrase a well known saying: I would not trust the PLO as far as I can throw it. Allowing the PLO in the World Health Organization is like putting a fox in charge of the hen house. The fox will make all kinds of assurances that it will stick to its job, but once it is in the hen house, it has only one thing on its mind: eating the chickens. I implore the member states of the World Health Organization not to be outfoxed.

The World Health Organization discusses health matters, not peace plans, Mr. President. It does not want the PLO as a full voting member. The decision, though, rests with the individual member states.

According to the World Health Organization, only the United States and Israel have objected to the PLO application.

Where are our allies? Do they not recognize that at the very least, the admission of the PLO to the World Health Organization grants full member status to a nonexistent state? Such an action would be without precedent.

The PLO claims to want peace in the Middle East. Peace to the PLO means one thing: The destruction of Israel.

The problems of the Middle East demand serious attention. I do not know what the answer is to the problems in the West Bank and Gaza. I do know, however, that the entry of the PLO in the World Health Organization is improper. It would give the Organization a platform from which Yassar Arafat will seek to impose a political agenda on a health organization. He will hold it hostage to his own personal agenda. We must urge our friends around the world to deny the PLO application for admission to the World Health Organization.

Mr. President, I ask unanimous consent that yesterday's editorial in the Washington Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 1, 1989]

THE PLO AND WHO

The PLO, which declared itself a state, now seeks admission as a state to the whole family of international organizations, starting with the World Health Organization, whose assembly opens in Geneva on May 8. The United States opposes the application, and rightly so, and so should everyone else who cares about the health of international diplomacy and about the health of international organizations too.

To see what is objectionable about the PLO's WHO application, you have only to look at the paper it's written on. There at the top of the application letter and in a stamp at the bottom is a physical representation of the newly proclaimed state of Palestine. It includes all of Israel, pre-1967 and post-1967. It is in fact the Palestine of the offensive Palestine National Covenant, the familiar charter of the Palestinian national movement that declares the state of Israel null and void. To be sure, and fortunately, the covenant's chilling state-killing words have been more or less contradicted by some of the statements made recently by the PLO leadership, but the objectionable language remains unamended in the charter.

Palestine as a state exists in the hopes of Palestinians. The idea of a Palestinian state may be in the air. But the new state that the PLO is asking WHO to admit does not exist in a territorial or political medium, and it wipes out symbolically an already existing member state.

The United States accepts the PLO as representing the Palestinians but rejects the PLO's claim of a state. Washington believes that the particular form that Palestinian political aspirations finally take should emerge from negotiations—not from unilateral declaration and not from international pronouncement, either. At this point that's a sound approach, and we hope that the WHO assembly takes it and sets the PLO application aside as negotiations proceed elsewhere to make the political status of the Palestinian people an accepted and agreed international reality.

Otherwise, the objections of the American administration and Congress will ensure a new battle in Geneva, and this can only spill a corrosive political passion upon an organization that has much important nonpolitical work to do. The same goes for the other international agencies. If the PLO presses its suit there, it will take on the responsibility for repoliticizing agencies that are only now emerging from their last costly and extended bruising by the Palestinian issue.

Mr. HELMS. Will the Senator yield?

Mr. DIXON. I am always delighted to yield to my senior friend from North Carolina.

Mr. HELMS. I want to compliment my distinguished friend from Illinois. He has stated the case perfectly. I for one am proud of the statement that Secretary Baker issued yesterday. I happened to have lunch with him shortly after the issuance of that statement. I hope this will sink in upon the minds of the American people, exactly what is going on.

The Senator has made an excellent statement, and I commend him for it. I thank him for yielding.

Mr. DIXON. I thank my friend from North Carolina. I yield back the floor,

Mr. President, and I thank the manager and I thank my friend from North Carolina.

FUNDING FOR MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

The Senate continued with the consideration of the bill.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Will the Chair state the pending business?

The PRESIDING OFFICER. The pending business is consideration of S. 431.

Mr. NUNN. It is my understanding there is no time agreement entered into at this time.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 67

(Purpose: To restrict certain activities of the Martin Luther King, Jr., Federal Holiday Commission, and to require such Commission to be subject to the Federal Advisory Committee Act)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of myself, Senator HELMS, of North Carolina, Senator MITCHELL, Senator DOLE, the junior Senator from North Carolina, Senator SANFORD, and the Senator from Massachusetts, Senator KENNEDY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. HELMS, Mr. MITCHELL, Mr. DOLE, Mr. SANFORD, Mr. KENNEDY, and Mr. WARNER proposes an amendment numbered 67.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 17, strike out "4" and insert "5".

On page 3, line 23, strike out "5" and insert "6".

On page 3, between lines 16 and 17, insert the following new section:

SEC. 4. RESTRICTIONS ON ACTIVITIES OF THE COMMISSION.

Section 6 of Public Law 98-399 (98 Stat. 1474) is amended by adding at the end thereof the following new subsection:

"(c) In carrying out the responsibilities of the Commission under this Act, the Commission shall not make any expenditures, or receive or utilize any assistance in the form of the use of office space, personnel, or any other assistance authorized under subsection (b), for any of the following purposes—

"(A) training activities for the purpose of directing or encouraging—

"(i) the organization or implementation of campaigns to protest social conditions, and

"(ii) any form of civil disobedience.".

At the end of the bill, add the following:

SEC. 7. REPEALER.

Section 5(c) of Public Law 98-399 (98 Stat. 1474) is repealed.

Mr. HELMS. Will the Senator yield?

Mr. NUNN. I will be glad to yield.

Mr. HELMS. Mr. President, I want to commend my friend from Georgia. As I indicated earlier, he and I met with the leadership of the Senate yesterday morning, and we discussed the problems that I saw in the bill. SAM NUNN, as always, not only was cooperative, he was courageously cooperative. I want to thank him for his cooperation on this amendment. I am delighted to offer it with him jointly, as per our discussion. If the Senator will permit me, I want to pay my respects to a young man. I often say I work for him, and that is the truth. Andy Hartsfield is a fine young lawyer on my staff who has worked with members of your staff, and they have produced this amendment. I thank the Senator for his cooperation, and I thank him for the cooperation of his fine staff.

I might add, this is the most homogenized sponsorship I ever saw. When you get the Senator from Massachusetts, the Senator from Georgia, and the junior Senator from North Carolina, who is now presiding, you really have the whole waterfront covered.

Mr. NUNN. Does that make the amendment suspicious in the mind of anyone?

Mr. HELMS. I think so. I thank the Senator.

Mr. NUNN. I thank the Senator from North Carolina. I will say this amendment has been carefully worked out. I appreciate the efforts of the Senator from North Carolina and his staff in working with my staff and the staff of Senator KENNEDY, Senator MITCHELL, Senator DOLE, and Senator SANFORD.

Mr. President, this amendment is intended to clarify the outward limits of the original Commission authorization with respect to promotion of Dr. King's legacy of nonviolent protest and civil disobedience. I think it is important to make sure that we understand what this amendment does do and also what it does not merit. The original act requires the Commission to encourage "appropriate ceremonies and activities" relating to the Martin Luther King Federal holiday.

The act also states that "The holiday shall serve as a time for Americans to reflect on the principles of racial equality and nonviolent social changes espoused by Martin Luther King, Jr."

Thus, Mr. President, the Commission cannot do its job, the job we have asked them to do, without supplying to the public information on Dr. King's life and the legacy of nonviolent protest and civil disobedience.

What this amendment would ensure is that the Commission does not go beyond that informational purpose and supply active training in the application of those principles to specific problems today. The amendment does not suggest that the application of Dr. King's principles of nonviolent protest and civil disobedience of today's problems is an unworthy activity. Indeed, it is a highly appropriate activity for the Martin Luther King Center for Nonviolent Social Change and certainly for other organizations. But this Commission, especially now that it will receive a direct Federal appropriation, is not an appropriate site for how-to conferences, if we could call them that, or training about social protest or civil disobedience.

The Commission's job, as envisioned by the Congress, I believe, when this Commission was created and certainly envisioned by this Senator, is to concentrate on the holiday and its meaning and let more active and practical applications of the King legacy be conducted elsewhere.

Let me emphasize that I do not believe the Commission was ever intended to become an advocate or training center for social protest and civil disobedience, nor does it intend to do so in the future. I have talked to at least two Senate Commission members about this, Senator HOLLINGS as well as Senator DOLE, and they assure me they never have intended to play that role, nor did they envision the Commission playing that role in the future.

This amendment makes that clear. This amendment simply provides guidance to the Commission in drawing the line between appropriate and inappropriate activities because we now have direct Federal appropriated dollars involved in the Commission if this bill passes.

There is nothing under this amendment prohibiting information on Dr. King and his legacy including social protest and civil disobedience. That would be fine. We certainly are not trying to stifle anything about the information flow regarding the history of Dr. King, what he stood for, his life, his movement, and the meaning to the people of this country and the world.

But this amendment makes it clear that how-to training, if I could call it that, would not be permitted, and I think that is what was intended in the original legislation. I believe that is what the Commission has done, and I believe that is what it will do in the future.

Mr. President, this amendment is offered by myself, Senator HELMS, Senator MITCHELL, Senator DOLE, Senator SANFORD, the Presiding Officer at the moment, and Senator KENNEDY.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, this is a good amendment, and it takes care of one of the major concerns I had origi-

nally with respect to the pending bill. The Federal Government has no business encouraging protest movements or campaigns, or any form of civil disobedience. There is pretty good evidence in the Commission's annual report that it has been doing exactly that.

Let me quote again, as I did yesterday, from the Commission's annual report regarding this sort of activity. The report indicates that the Commission's goal is "to reestablish a national college and university student coalition dedicated to the principles of nonviolent social change."

In pursuit of this goal the Commission conducted a conference in Atlanta for college students, at which the methodology for protest movements on campus was discussed, and there was extensive instruction on precisely how to go about it.

According to the report, and I quote, "The Conference provided students with training in the application of a philosophy and moral foundation of Kingian nonviolence and focused on the practical application of nonviolent social change."

Parenthetically, I will say we all know what that means. We have seen it on campuses all across the land. We are seeing it today.

"The students in Atlanta," and I am quoting, "learned how to bring protest campaigns through the stages of information, education, personal commitment and purification, negotiation, direct actions, reconciliation, and gained fundamental skills which allowed them to return to their campuses and effectively deal with injustices."

Mr. President, let me turn now to the second part of the amendment. When the Commission was created in 1984, the legislation included a provision to exempt the Commission from the provisions of the Federal Advisory Committee Act [FACA]. There is no legislative history explaining why this was done, but I assumed it was done because the Commission received no direct Federal funding. Now we are considering legislation to provide direct Federal funding.

I made the judgment some weeks back that the provision of direct Federal funds will change the whole complexion of this debate. As long as the Commission is raising the money themselves, and there is no direct funding, that is their right, and I have no disagreement with that so long as they do not violate the law. But this bill was reported out of the Judiciary Committee without 1 minute of hearings to review the activities of the Commission. That is when I drew the line and said, "We are going to do something about this when it gets on the Senate floor."

As I said earlier this morning, I wrote to the distinguished chairman of the Senate Judiciary Committee, Mr. BIDEN, and suggested strongly to him that we could work out some concerns of mine if we pulled the bill back from the calendar and allowed some hearings and then went through the proper reporting procedure that all committees are supposed to follow. Senator BIDEN is busy and I do not fault him, but he wrote back and said he would discuss my concerns on the Senate floor.

That brings us up to the meeting yesterday morning with the majority leader, Mr. MITCHELL, and the minority leader, Mr. DOLE, Senator NUNN, and me. I must say, to SAM NUNN'S credit, the moment I brought this matter up, he understood what the problem was and there began a process in which his staff and my staff, Mr. Hartsfield, and the staffs of the majority and minority leaders came into play.

Now that direct Federal funds obviously are going to be appropriated for the Commission, it is certainly only fair to the taxpayers of this country that this Commission come under the same scrutiny that is intended for all advisory committees of the Federal Government.

Mr. President, the Federal Advisory Committee Act was enacted in 1972. That was a year before I came to the Senate. This was the year I was trying to come to the Senate. It was enacted to provide a means for the Federal Government to account for and manage the proliferation of Federal committees, boards, commissions, councils, conferences, panels, task forces, et cetera, then in existence.

Generally, the Federal Advisory Committee Act requires that the deliberations of all of these advisory groups be public, their memberships be balanced and free of undue influence from any particular special interest, and their members be free of any actual or potential conflict of interest.

When the Federal Advisory Committee Act was enacted, the total cost of all Federal advisory committees was approximately $25 million, and one of the primary purposes of the act was to keep track of the number of advisory committees and to keep the cost to the taxpayers at a minimum.

Nevertheless, by last year, 1988, the cost of these advisory bodies had risen from $25 million in 1972 to more than $92 million.

Now, that illustrates how these various commissions, and so forth, take on a life of their own. One of the main reasons I am opposing this bill is because I think we ought to not go forward and establish an additional, federally funded Commission. We ought to be pulling back and taking that burden off the backs of the taxpayers.

The distinguished chairman of the Governmental Affairs Committee, Mr. GLENN, of Ohio, and the distinguished ranking member of that committee, Mr. STEVENS, of Alaska, are very much interested in the working of the Federal Advisory Committee Act.

They, along with several other members of the Governmental Affairs Committee, have proposed legislation to fine tune and tighten the controls and definitions contained in the FACA. Of course, that pleases me very much. I think it is in the public interest, and I commend them for their efforts in this regard.

Their efforts to strengthen the act are especially important considering the way, lately, that we have gotten into the habit of creating a new advisory committee or commission every time we turn around. I do not believe we should be so quick to create these committees and commissions, especially when the taxpayers are being required to pay for them. In fact, section 2(b)2 of the Federal Advisory Committee Act states that: "new advisory committees shall be established only when they are determined to be essential" and their numbers should be kept to the minimum necessary.

Mr. NUNN. Mr. President, as the Senator from North Carolina has noted, the amendment also would place the Commission under the provisions of the Federal Advisory Committee Act. That act is a general statute ensuring that Federal commissions follow basic accountability standards, including record keeping and open meetings. The Commission was exempted from these requirements in 1984 and 1986 because they do impose a paperwork burden, and it did not seem appropriate to impose that burden when the Commission was not receiving a direct appropriation of Federal funds.

Now that the Commission will receive a direct appropriation, it is now entirely proper that it comes under the FACA requirements to ensure accountability to Congress and the American people, and that's what this amendment would accomplish.

Mr. HELMS. Mr. President, I am now going to offer a second-degree amendment to this amendment. I have discussed this with the distinguished Senator from Georgia.

AMENDMENT NO. 68 TO AMENDMENT NO. 67

(Purpose: To prohibit the Martin Luther King, Jr. Federal Holiday Commission from engaging in lobbying activities)

Mr. HELMS. Mr. President, I send an amendment to the desk in the second degree and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 68 to amendment numbered 67.

On page 2, after line 11,

At the end of the proposed subsection (c) to section 6 of Public Law 98-399 (98 Stat. 1474) of the amendment numbered 67, add the following:

"(B) lobbying activities with respect to any State or local government official with the intent of encouraging or influencing the enactment of legislation.".

Mr. HELMS. Mr. President, I thank the distinguished clerk. I wanted the entire amendment to be read.

Mr. President, I neglected to ask for the yeas and nays on the Nunn-Helms amendment. I do so now.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. President, with respect to the second-degree amendment which the clerk has just read, it is clear that the policy of the Federal Government is that Federal funds should not be used for the purpose of lobbying. The Tax Code itself contains lobbying restrictions on organizations that receive tax-exempt status. In fact, the Internal Revenue Code provides that the tax-exempt status can be denied to an organization if "a substantial part of the activities of such organization consist of carrying on propaganda or otherwise attempting to influence legislation."

Mr. President, the able Senator from Georgia and others have made the point that the Commission is clearly a Federal entity. There is no question about that. The legislative history shows it. So this amendment is not only desirable but it is also essential.

The point is made even more clearly if the Commission is extended, and if it receives Federal funds. Obviously, that is going to happen today. In that case, the Commission should be bound by the same rules as all other Federal entities and all private entities receiving tax-exempt status. That includes a restriction on lobbying activities.

The restrictions intended by this amendment are those set forth in IRS Publication No. 557 which explains the rules and procedures governing tax-exempt organizations.

Let me read through these restrictions to make it perfectly clear what is allowed and what is not allowed under this amendment. Under the section, "Lobbying to influence legislation, for this purpose, means":

(1) Any attempt to influence any legislation through a move to affect the opinions of the general public or any segment thereof; and

(2) Any attempt to influence any legislation through communication with any member or employee of a legislative body or with any government official or employee who may participate in the formulation of legislation.

However, the term influencing legislation does not include the following activities:

(1) Making available the results of nonpartisan analysis, study, or research;

(2) Providing technical advice or assistance (where the advice would otherwise constitute the influencing of legislation) to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision;

(3) Appearing before or communicating with any legislative body with respect to a possible decision of that body that might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to the organization;

(4) Communicating with a government official or employee, other than—

(a) A communication with a member or employee of a legislative body (when the communication would otherwise constitute the influencing of legislation), or

(b) A communication with the principal purpose of influencing legislation.

Also excluded are communications between an organization and its bona fide members with respect to legislation or proposed legislation of direct interest to the organization and the members, unless these communications directly encourage the members to influence legislation or directly encourage the members to urge nonmembers to influence legislation, as explained earlier.

I will emphasize again that this amendment applies only to lobbying State and local governments to influence legislation. It is not intended to prohibit the Commission or any of its members or officers from communicating with Members of Congress to influence legislation in the U.S. Congress.

Mr. President, it is clear that the Commission understands that it is, in fact, improper for it to engage in lobbying activities at the State and local level. I would like to have inserted in the RECORD a portion of the Commission's own annual report that discusses the passage of State holiday legislation. As a matter of fact, I will read it into the RECORD.

The Commission has exercised extreme care in not becoming involved in lobbying activities for holiday legislation but has shared information on types of legislation enacted by other States.

But when you read the other activities described in the annual report of the Commission itself, it is clear that the Commission is in fact actively involved in direct, extensive lobbying of State and local governments to pass legislation establishing a paid holiday.

Let me give a few examples from the report:

The Commission began immediately upon its establishment to encourage State governments to enact legislation establishing corresponding State holidays and to establish State holiday commissions designed to institutionalize the holiday in their States. The Commission encourages all States to use the legislative process to establish the date as a paid holiday for employees.

As I said yesterday, this is not JESSE HELMS talking. This is the verbatim quote from the annual report of the Commission.

Later the report says:

The Chairperson of the Commission plans to visit these seven States for discussions with principal State officials and legislators regarding ways and means to officially establish the holiday in their States.

This report goes on, and I am continuing to quote:

The Governor of each State will be asked to continue their State holiday commission or to create one, and allow their commission to become part of the Federal commission's new council of State holiday commissions. Each Governor will also be asked to make a one-time contribution of $500 to the Federal commission.

Well, I parenthetically say, I am sure that will not be greeted with enthusiasm, because I do not think Governors are any more inclined than Senators to put up their own money for anything. They would rather use the taxpayers' money. We will see about that. But to continue the quotes from the annual report:

Mayors throughout the country will be asked to continue their local commission/committee or to create one; each Mayor will be asked to make a one-time contribution of $250 to the Federal commission.

Efforts will also continue to have the United Nations formally observe the national holiday, some special event or activity.

Now, that is not a complete sentence, but that is the way it is in the report.

Quoting further:

The international committee established there major objectives: One, to encourage support for meaningful activities at foreign embassies in Washington, D.C., and their countries on the holiday. . . . Members of the committee actively promoted their objectives through correspondence and personal meetings with foreign ambassadors and other officials.

Now, Mr. President, if we are going to allow federally funded entities to lobby State governments on a specific legislative issue, I can think of a host of issues on which I would prefer to see State and local governments subjected to a bit of lobbying.

Why do we not put pressure on States to enact right-to-work laws, for example; that would please me greatly. In my opinion, that would have a substantial and more beneficial impact on every worker than just having another holiday. Be that as it may, the subject of this particular debate is not the issue. It should not matter whether you happen to agree with the proposition on which the Commission is lobbying. The issue is whether it is appropriate for federally funded agencies, any such agency, to lobby State and local officials for any reason. I submit that it is not appropriate, and I assume that my colleagues will support this restriction. We shall see.

Mr. President, it may be that we can reach some sort of unanimous-consent agreement on these votes. Senator NUNN said that he would be back here no later than 3 o'clock, and I do not want to foreclose him and any com-

ments he may have. So with that in mind, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent that I may proceed for a brief period of time as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POGO WOULD SAY THE ENEMY ON FSX IS US

Mr. DIXON. Mr. President, I was back in Illinois holding town meetings when the word came that the administration has decided to proceed with the giveaway of American technology to the Japanese so they can build the FSX fighter rather than buy the planes from us.

I was outraged at this news. I said so to everyone within range of my voice in Illinois. Now, here in Washington, where the decision was made, I once again want to express my deep and troubled concern to everyone who is interested in this very important development that will affect the lives of all of us for years to come.

This scheme the Japanese and our own negotiators have maneuvered us into disturbs me so much that I was tempted while still in Illinois to rummage around in my belongings to find my old "Pogo for President" button. As it turned out, I did not have time for that, but what I was really seeking was the calm, reasoned, thoughtful approach Pogo always brings to problems if we only take time to listen to him when everything is in an uproar.

The Pogo comic strip is back among us, thankfully, and reading the panels about the swamp animals reminds us of all the profound wisdom voiced by Pogo and his friends some years ago. Pogo had one truly profound statement he uttered when Walt Kelley was observing our national scene. "We have met the enemy," said Pogo, "and they is us."

The FSX deal being foisted on Congress and our country has already been the subject of several of our political cartoonists across the Nation. They recognize, as did Pogo, that every now and then our experts make a terrible error that is so monstrous hardly anyone recognizes it for what it is—a mistake that should not be allowed to happen.

That is exactly what is happening with the FSX deal—our negotiators have turned into our country's own worst enemies in this deal they have worked out with the Japanese. This deal is so one-sided and so utterly outrageous that I am astounded the administration is trying to get away with it. What does it take in this country to wake everyone up to an absolute boondoggle?

Not even Pogo could put it any plainer. This FSX deal is a very bad deal for America. This FSX agreement should never have been negotiated by the previous administration. This FSX agreement should not have been finetuned by the present administration. This FSX agreement should be scrapped.

We should ask ourselves a few questions:

First, if you were a negotiator for Japan and you had the option of buying the world's best fighter plane at a savings of $30 million per plane, would you not jump at the chance? I will bet you would.

Second, if you were a negotiator for Japan and you had the opportunity to take the heat off the $54 billion trade imbalance with the United States by buying between 130 and 170 fighter planes and thus reducing that massive trade imbalance, would you not take advantage of the opportunity?

From our perspective, the answers seem obvious; but, they are not the answers the Japanese negotiators have given.

The point of this exercise is to demonstrate that we are not thinking the way the Japanese are thinking on the FSX fighter plane deal. The Japanese negotiators have outfoxed us on this one. One animal Pogo keeps a close lookout for in the swamp is the fox. We had better do the same, Mr. President, before it is too late.

I would like to get up on top of the Capitol dome and shout this question, Mr. President—why are we making this deal? It made no sense to me when it was first proposed. It makes no sense to me now. Even Pogo would have the judgment and common sense not to sign this one.

I saw a book review in an Illinois newspaper while home this weekend that goes to the heart of this FSX deal. The question was posed thusly: "Can international free trade survive when the West does not have a trade strategy to match Japan's 'adversarial' trade, which targets and kills off whole industries in the victim country?"

This is a trade issue we are talking about—not a military issue. The Japanese want to get into the aerospace industry. They want to do it through the FSX deal. They want us to give them technology they do not have. They want, in other words, to target and kill off our aerospace industry.

Too far-fetched, you say, Mr. President? Look at what the Japanese did in automobiles. Look at what the Japanese did in steel. If this FSX deal flies, we will soon be saying, look at what the Japanese did in aircraft.

As you know, Mr. President, the FSX Program calls for Japan and ourselves to jointly develop a new fighter using General Dynamic's F-16 fighter aircraft as a starting point. Following development, the plan calls for both countries to coproduce approximately 130 fighters beginning in the mid-nineties. When deployed, this advanced fighter will help provide for our mutual security needs. Sounds reasonable, does it not? It is not.

For the Japanese, the heart of this program is not defense, but the development of an aerospace industry capable of competing in the world marketplace. The Japanese are not capable of doing that now because they do not possess the technology or knowledge needed to build high-performance jet aircraft. But as in so many other industries—such as VCR's and semiconductors—the Japanese know where to get the technology and knowledge: from the good old U.S.A. What has been the consequence? America provides this technology and knowledge to the Japanese and promptly suffers a loss of United States leadership in several industries, and the loss of hundreds of thousands of good-paying American jobs. The Japanese have managed to do this in large measure because since the end of World War II their economic growth has been fostered by the conventional and nuclear defense protection given them by the United States. We have just recently helped protect Japan by assuring the free flow of oil through the Persian Gulf.

On the economic side, what we have gotten in return for our expertise and willingness to promote free-trade is a Japanese reluctance to share technology or open their markets to United States products, and a huge trade deficit of $54 billion. That $54 billion figure does not include what we spend in defending Japan.

Now the FSX deal comes along, and we are on the verge of shooting ourselves in the foot again by giving Japan a shot-in-the-arm that will help it develop a government-supported industry that will aggressively—and often unfairly—compete against American firms.

This FSX deal, Mr. President, is not a good deal. It is a No. 1 bamboozle. The Japanese have approached this program from an economic perspective, while we negotiated from a defense and foreign relations perspective. The Japanese want an aerospace industry. They have a huge pool of young engineers who will greatly benefit from the FSX Program and who will become the designers and developers of future Japanese commercial and military aircraft. In 1984, the Japanese space and development policy

called for autonomy in commercial aviation. Our own Government Accounting Office, in a 1982 report, said the key objectives of Japan in entering coproduction programs with United States defense companies are to enhance their high technology employment base to develop future export industry and to increase their military self sufficiency.

When are we going to give equal weight to our own economic interest when we negotiate these agreements? Our security concerns in the Far East are important, but a $50 billion plus trade deficit with Japan each year cannot be sustained indefinitely. I do not blame our Defense Department for not wanting to rely on Japanese fighter planes, because they would not be as reliable as the FSX or F-16 fighters. Japanese fighters would put our forces at greater risk. But why can we not convince Japan, touted as a strong United States ally, to buy F-16 fighters? Such a purchase will reduce our trade deficit now and protect our trading position in the future, while still giving both of our countries the protection we need in the Far East.

Rather than capitulating in our negotiations, we should be pressing the Japanese to accept our comparative advantage in aerospace and to recognize their responsibility to reduce their large trade surplus with us and other countries. These surpluses cause economic imbalances and threaten world economic security. As an economic superpower, the Japanese must share a greater burden in maintaining international economic order. The postwar era is over and it is a great success story. America and many countries have benefited from this success, few as spectacularly as Japan.

What am I suggesting, Mr. President? The Japanese could begin providing for their own defense by buying American F-16 fighter aircraft outright. This would signal to the world that they are willing to fine tune, rather than expand, their export driven economy. But instead, they desire to spend $40 to $50 million for each FSX fighter, instead of $20 million for an F-16, in order to build an aerospace industry to compete in the world market.

I believe that the Japanese position is clear. Our own position is not at all clear. What are we getting out of this deal that an outright buy of battle-proven F-16 high performance aircraft wouldn't give us? Absolutely nothing. We are told we will be getting advanced Japanese radar and composite manufacturing technology, but no one has been able to confirm that it even exists. Do we really believe that the Japanese will provide us with their technology? History, Mr. President, does not support this. Why should we believe that the Japanese have these technologies? They have never built a high-performance jet aircraft, and they cannot even build their own engine for the FSX fighter. If they could, you can bet your bottom dollar they would.

In negotiating this FSX proposal, I am afraid we have forgotten the lessons we have learned from our past commercial dealings with the Japanese. They often do not honor their agreements, as in the semiconductor industry, where they pledged to open their market 2 years ago, but have not.

They target certain industries for export growth and put substantial support behind those industries, while making it difficult for importers to penetrate their markets. The Japanese have been so effective with these methods that our new United States Trade Representative is talking about "Managed Trade" with the Japanese to correct the massive trade imbalance we have with them. With trading conditions as they are, it seems ludicrous that we would help the Japanese build an aerospace industry that will only make trade competition worse than it is.

Are we doomed to make the same mistakes we made in the sale of the F-15? Will we have the GAO tell us once again that we have been taken to the cleaners by the Japanese? It is time, my friends, that we start telling the Japanese to buy American if they want their economic growth to continue. Maybe it is time to play a little hard ball, and let them know that if they want continued access to our markets, then we want them to start buying our fighter planes off the shelf.

Finally, Mr. President, it seems to me that this FSX codevelopment program will boost Japan's ability to develop an aerospace industry that will strongly—and given current practices, often unfairly—compete against American aerospace firms in the future. Rather than recognize our comparative advantage in this field, and buy a battle-proven fighter, Japan will again concentrate its considerable resources to capture a huge portion of a world market now dominated by the United States.

In my view, Congress cannot allow this to happen. We should scrap this agreement. We should go back to the negotiating table, and begin to make our case for a Japanese purchase of F-16's or another American built fighter aircraft.

As an alternative to the FSX deal, I suggest that our negotiators take the following steps:

First, let us include the Department of Commerce to the full extent Congress intended.

Next, let us keep our F-16 technology under our control.

Third, let us sell our planes outright to the Japanese.

Finally, let us keep our first place ranking in the aircraft industry by not giving away our competitive edge.

Mr. President, I ask unanimous consent that an editorial of this date from the New York Times entitled "The U.S. vs. the U.S. on the FSX" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 2, 1989]

THE U.S. VS. THE U.S. ON THE FSX

President Bush has now improved the terms of the $7 billion FSX fighter plane deal that the Reagan Administration reached with Japan. If Congress goes along, Mr. Bush will have removed a growing irritant in relations between America and a valued ally.

But the FSX episode nevertheless shows how high a price Washington pays for the incoherence of its policy-making toward Japan. Instead of presenting a unified front, each Federal agency deals separately with Japan's shrewd negotiators, a sure recipe for a bad deal and prickly relations.

The FSX is a new fighter plane Japan plans to develop, patterned loosely on America's F-16. Japan has every right to develop its own military equipment. But the deal is particularly painful to the United States for several reasons.

If Japan were to buy the American F-16 off the shelf, it would (a) get the world's best fighter at an unbeatable price, and (b) help significantly to relieve its trade surplus with America, now $55 billion a year and rising again. Instead, Japan chooses to develop its own fighter at three times the cost, which increases America's burden in defending Japan, while probably facilitating Japan's challenge to America's civil aviation industry.

This appears to be of little concern to the Defense and State Departments, whose main interest is to maintain good relations with Japan. They agreed last year to transfer the F-16 technology Japan needed for the FSX. In so doing, they excluded the Commerce Department and failed to nail down important details, like how much of the production work American firms would receive and what technology the United States would receive in return.

Robert Mosbacher, the new Secretary of Commerce, objected to the deal. Now Washington has improved it. The best logical choice for both sides would still be for Japan to buy American-made planes, but it is probably too late to insist on that. The Administration therefore sought to patch up the old agreement, notably by insisting that American companies get about 40 percent of the production work.

This should be enough to keep a critical technology, engine production, in America, although the agreement apparently does not specify this. Mr. Bush also made clear that certain technologies would definitely not be passed to Japan, another point that had been left murky.

Washington's policy toward Japan, Robert Pear wrote recently in The New York Times, "is so confused and uncoordinated that many American officials say they cannot figure out how it is made or why economic concerns are regularly subordinated to military and political objectives." Each agency tries to cut its own deal, a luxury

hard to afford now that Japan is so significant an industrial competitor.

Even now, the Bush Administration has not wholly learned the lesson. When Masaji Yamamoto, director general of the Japan Defense Agency's procurement bureau, came to Washington last month, he was allowed to meet separately with American officials at the National Security Council, the Pentagon and State.

The details of the FSX deal are classified, at Japan's request, and so cannot be publicly debated. That's all the more reason for Congress to review the agreement carefully. Even more important is to recognize that economic strength and national security are two sides of the same coin, and must be considered together if the United States and Japan are to compete and cooperate.

Mr. DIXON. Mr. President, I thank my dear friend, the distinguished Senator from Delaware, for indulging me. I appreciate the time he gave me and I am delighted to yield the floor to the distinguished Senator.

Mr. BIDEN. I might say to my friend from Illinois, there is no indulging. I hope everyone was listening, because I could not agree with the Senator from Illinois more if I had written and stated the remarks myself, which I would not have been able to do as eloquently. I think the Senator is absolutely right.

FUNDING FOR MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

The Senate continued with the consideration of the bill.

Mr. BIDEN. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The Helms amendment to the Nunn amendment to S. 431.

Mr. BIDEN. Mr. President, it is a special honor and a distinct pleasure to rise today in support of S. 431, the Martin Luther King Holiday Commission bill.

When I hear the name Martin Luther King and contemplate the immeasurable contributions Dr. King made to our great Nation, I think of a statement he offered more than 20 years ago:

> Now is the time to lift our national policy from the quicksand of injustice to the solid rock of human dignity.

No individual in modern history has played a greater role than Martin Luther King in fulfilling the moral imperative of that statement. He gave us a vision of human dignity and social justice that inspired the Nation and continues to do so today.

Martin Luther King served as the social conscience of this Nation during his lifetime. He has continued to do so for 15 years after his death, and he will continue to do so for as long as I can imagine.

He set our goals, he showed us the path to achieve them and, most important, he inspired us to believe the words of the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal.

It is when we consider Dr. King's important contributions to furthering this Nation's ideals of freedom and social justice that we come to understand the need for S. 431, the Martin Luther King Holiday Commission bill.

This is not a controversial bill. The President of the United States supports S. 431. The House passed its version of the bill by a margin of more than 220 votes. And there are more than 57 cosponsors—Democrats and Republican—in the Senate.

S. 431, like the extension in 1986, continues a commission that is now coordinating special commemorative events in all 50 States to promote the ideals Dr. King lived and died for. To achieve that goal, the Commission works closely with the 145 State and local commissions in celebrating Dr. King's birthday.

I am aware that Senator HELMS does not support this bill, which provides for a 5-year extension of the King Holiday Commission and would, for the first time, include a modest Federal appropriation of $300,000 a year.

But Congress established the King Commission to ensure that the holiday "serve as a time for Americans to reflect on the principles of racial equality and nonviolent change" as espoused by Dr. King.

In addition, the King Commission has been charged with coordinating the efforts of Americans of diverse backgrounds and of private organizations to observe the holiday.

The Federal Holiday Commission has done its job and done it well. It should be reauthorized so that it can continue its efforts. I hope the Senate will promptly pass S. 431 so that the Commission, whose authorization expired on April 20, can continue to make Dr. King's birthday one of the most important days of the year for all Americans.

Mr. President, while we are waiting for Senator HELMS to return, it is my understanding that we are about to reach a compromise. I am not about to ask for unanimous consent. I am just going to explain for the record, and those who may be back in their offices listening, that I understand what we are going to do is agree upon the stacking of up to four votes, including the underlying amendment, the Helms-Nunn-Mitchell, and others, amendment. At the conclusion of that unanimous-consent agreement, then Senator HELMS and I and others who wish to engage in further debate will continue to debate on several of the amendments of Senator HELMS which have not been spoken to yet, have not been formally offered by Senator HELMS, after which time we will begin the vote process, assuming we in fact are able to do what I fully expect we will be able to do and that is reach a unanimous-consent agreement on the order in which amendments will be taken up and when the votes will be held on those amendments.

I see my friend is on the floor. I have nothing further to say at this moment pending the appearance of the majority leader, who, I understand, is on his way to the floor to seek unanimous consent. I would be delighted, though, to continue the debate and dialog with the Senator from North Carolina if he wishes to move forward; whatever he thinks is most appropriate. Otherwise, I would suggest the absence of a quorum.

I yield the floor to my colleague from North Carolina.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from North Carolina, Senator HELMS.

Mr. HELMS. Mr. President, we have a rather unique parliamentary situation here because we are trying to accommodate a number of people.

Until we can get the unanimous consent in toto, let me ask unanimous consent that the underlying amendment and the second-degree amendment both be laid aside so that I may offer yet another second-degree amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, reserving the right to object, I would ask the Senator to withhold that for a moment. I think there is no objection.

Mr. HELMS. I do not think there is, either.

Mr. BIDEN. If the Senator from North Carolina can tell me, is that consistent with what he has discussed with the majority leader? I always take the word of the Senator from North Carolina for anything. I would be happy to not object. I just do not know enough to know what has occurred in the last 10 minutes with regard to the majority leader.

Mr. HELMS. My information, which is secondhand through staff is that the majority leader wants to expedite consideration of all of the amendments, which I am perfectly willing to do. I suppose it would be best if we awaited the arrival of the majority leader and then we can settle the whole package of the unanimous consent.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending

second-degree amendment be temporarily laid aside so that I can offer another amendment which will succeed the present second-degree amendment when the present second-degree amendment is disposed of.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 69 TO AMENDMENT NO. 67

(Purpose: To prohibit the Martin Luther King, Jr. Federal Holiday Commission from engaging in certain educational activities)

Mr. HELMS. Mr. President, I send to the desk an amendment and ask it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 69 to amendment No. 67.

On page 2, after line 11.

At the end of the proposed subsection (c) to section 6 of Public Law 98-399 (98 Stat. 1474) of the amendment numbered , add the following new paragraph:

"(B) activities relating to the exercising of any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system.".

Mr. HELMS. Mr. President, let me begin by emphasizing what the amendment proposes. The three key words, found on line 5 of the amendment, are: Direction, supervision, or control. Remember those words. Direction, supervision, or control.

The entire sentence reads:

Activities relating to the exercising of any direction, supervision, or control over the curriculum, program of instruction, administration or personnel of any educational institution, school or school system.

What I am saying is that we should not bestow upon any commission the right to direct or supervise or control the curriculum or program of instruction of any school. I do not want anybody coming in here saying, "Oh, you are unduly restricting this commission." I'm sure we will all agree that we do not want somebody moving in to direct or supervise or control the curriculum of schools from Washington, DC.

If we take a look at the public law establishing the Department of Education we quickly see that the purposes and intentions of that Department are stated very clearly. The text of the law states:

It is the intention of the Congress in the establishment of the Department to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies.

The law goes on to state that:

The establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems and other instrumentalities of the States.

Finally, the law makes it clear that:

No provision of a program administered by the Secretary or by any other officer of the department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law.

Any Senator who may be listening on the public address system has already perceived that I have used that precise language in drafting this amendment. I do not want anybody controlling, dictating, or directing the curriculum of our schools. That control belongs to the States and the subdivisions thereof.

I have read the law which established this Commission several times. Nowhere in it is there authorization regarding the educational curriculum in our public schools. Yet, Mr. President, if we look at the activities as described by the Commission itself in its 1988 annual report, we see that they are clearly in conflict with the policies set forth in title XX regarding the Federal Government's role and relationship with the States regarding education. It is one of the concerns I have regarding the activities of the Commission. It is also one reason I regret we did not have a public hearing so we could discuss this.

First, if I may quote from the Commission's own annual report in 1988: "Significant progress was made in supporting efforts to formalize instruction and curriculum in America's schools."

Mr. BIDEN. Will the Senator yield to tell me what page that is on?

Mr. HELMS. We will bring it over to you.

Mr. BIDEN. I have it here. I am trying to figure where it is.

Mr. HELMS. Will the Senator prefer that I wait?

Mr. BIDEN. I thank the Senator.

Mr. HELMS. The Senator is quite welcome. I appreciate his interest.

Second: "The Commission's Education Committee proposes to sponsor a mini education conference for teachers in 1988 on developing and integrating educational materials related to Dr. King in the curriculums of our Nation's schools." That is from the 1988 annual report of the Commission.

Finally:

The Commission will give special attention to the formalization of instruction on Dr. King in public and private schools, colleges and universities. The Commission sees an increasing need for the establishment of an Educational Materials Clearinghouse on Dr. King.

Maybe they meant something by this language that is not perceivable to me. In any case, I think we ought to make clear that we do not want anybody formalizing educational materials except the States. We do not want anybody on the Federal level dictating to the States.

This amendment that is now pending, Mr. President, is intended to prevent the situation where a federally funded, understandably biased organization may attempt to direct, supervise, or control the curriculum in any educational institution.

I am totally opposed to that and I cannot believe that the Senate does not share my views. Such an effort by the Federal Government, or its designee, in this case, is inappropriate on any subject, especially one about which all information is not made available to the American people.

I just cannot believe that this country's community of historians and educational experts have become so incapable that they cannot be trusted to provide accurate historical information and analysis for our schools. Yet, we are starting down what could well be a treacherous path, contrary to the policy enacted by Congress, if we authorize a federally funded organization to control the content and dissemination of all materials on a particular subject. It is beyond the scope of the Commission's purpose and it is in direct violation of Federal policy as set forth in title XX of the United States Code.

It may be argued by some that the Commission does not do this. I must respond that they do. I am willing to acknowledge that they may think this is the proper thing to do and that they do not mean any harm. But we better lock the barn door before the horse gallops away. That is what this amendment does. And certainly, Mr. President, there cannot be any need to establish a national clearinghouse for all educational materials on any subject. What would that entail?

We cannot leave it nebulous. It is our duty to make sure that we preserve and protect a precious principle, and that is what this amendment does. If we do not need it, it is not going to hurt anything. If it is needed, then it might hurt the feelings of those who try to control and direct the curriculum in the public school or run a clearinghouse to decide what they are going to get and what they are not.

I think it would have been helpful if we could have considered this troublesome matter earlier, but that is all right, we can do it now.

Let me say again, Mr. President, this amendment places on the Commission

the precise restriction that is placed on the Department of Education by title XX of the United States Code.

Mr. President, let me inquire about the yeas and nays question. Have the yeas and nays been obtained on the underlying amendment? I do not think they have.

The PRESIDING OFFICER. On amendment No. 67, which was offered by Senator NUNN, the yeas and nays have been requested.

Mr. HELMS. On the first second-degree amendment, they have not been ordered on that?

The PRESIDING OFFICER. On neither of the second-degree amendments.

Mr. HELMS. I ask unanimous consent it be in order to get the yeas and nays on both pending amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I do thank the Chair.

Mr. METZENBAUM. Mr. President, point of order.

The PRESIDING OFFICER. The Senator from Ohio, Senator METZENBAUM.

Mr. METZENBAUM. Mr. President, did I understand that the yeas and nays were just ordered on the basis of a question, "Is there an objection?" Because if that is the case, I do not think the rules provide for it.

The PRESIDING OFFICER. The Senator has obtained permission to ask that the yeas and nays be ordered on both questions. We have not ordered them as yet.

Mr. METZENBAUM. So the only question was he gets permission to ask for the yeas and nays.

The PRESIDING OFFICER. That is correct.

Mr. METZENBAUM. I stand corrected.

Mr. HELMS. I thought the Chair stated the yeas and nays had been ordered, but I will be glad to ask unanimous consent that the yeas and nays be ordered.

The PRESIDING OFFICER. There has been a unanimous-consent request for the yeas and nays to be ordered. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The yeas and nays have been ordered on those two amendments.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator was moving a bit expeditiously for a moment.

Mr. BIDEN. Now that the yeas and nays have been ordered, I would like to respond, if I may, albeit briefly, to the last amendment offered by the Senator from North Carolina.

When we were in law school, there was an expression we heard all the time which is referred to as something is a red herring.

Have the yeas and nays been ordered? Am I intruding on that decision?

The PRESIDING OFFICER. The yeas and nays have been ordered. Just for the RECORD, we were responding to the request for unanimous consent and Senator METZENBAUM'S request clarified that. We have done it now twice and the yeas and nays are clearly and doubly ordered.

Mr. BIDEN. There is an expression that lawyers often use when they suggest something may not be particularly relevant and is slightly diversionary. I would respectfully suggest that this amendment and the comments made regarding this amendment are a bit of a red herring. The implication is that the Commission, that the establishment of—let me back up—the establishment of the holiday, as we did back in 1984, established somehow the ability of those who were on the board, in fact required to follow out the dictates of the legislation, that somehow they were in a position, they had the intention to, they had the power to insist that State and local communities use certain textbooks, that they had the authority to move in and take control of local school districts, that they had the ability to dictate from Washington or anywhere in the United States the local curriculum of a particular school.

Now, the fact is that no such authority exists, no such authority has attempted to be exercised. My reading—and I tried to follow, with the kind help of Senator HELMS' staff, the portions of the 1988 annual report to which the Senator is referring—of the one section to which he referred related to activities "yet to be completed," and it set out a wish list of things that the Commission hoped to do.

It says:

> The Commission's Educational Committee will sponsor a national teacher's miniconference on infusing materials related to Dr. King into the curricula of the Nation's schools. More than 250 teachers, administrators, and curriculum planners from public and private schools across the Nation will be invited.

The key here is "will be invited." If you look at the original legislation when we set up the Commission, it says the purpose of the Commission—this is 1984 law—is to, "(1) encourage appropriate ceremonies and activities throughout the United States relating to the first observance," and it goes on from there. "(2) to provide advice and assistance to Federal, State, and local governments and to private organizations with respect to."

Now, the notion here is that those local communities will say, and many have, from my State, although I suspect many other States, possibly the State of the Presiding Officer, "tell us more about how we can best do it because we have locally decided that we wish to teach our children more about Dr. King and all the good things he did for this Nation." So the Commission comes along and says that yet to be done is for the Commission to sponsor a national teachers' miniconference to tell those folks, who locally decided that they would like to know more about it, how to set up a curriculum run by local teachers, run by local people, et cetera.

So this is what we call a red herring. It does not follow that because the Commission makes information available to, and even if the Commission solicits among local teachers, local school boards, local agencies, solicits them to participate in knowing more about how the Commission thinks a curriculum could better serve informing a student population about Dr. King, that is in any way setting up from Washington this bureaucracy which is going to dictate to local school boards what they must teach.

Now, with regard to the issue—and I apologize to my colleague if I have the wrong page, but I believe he also made reference to this clearinghouse notion, somehow there is going to be the implication, at least as I understand it, that there is some conglomerate here in Washington, DC—and none of us, everybody knows, likes Washington, DC, to tell us anything—there is this conglomerate, probably somewhere hidden in the bowels of the Department of Education or somewhere other than in our own hometowns, that has all this material, a lot of it not being true, clearly not being complete, so the image goes, that has this clearinghouse of censored information which basically is going to dictate to localities not only if they can but what precisely they can and cannot teach—again, a red herring.

The notion here is not that at all, based upon what the Commission is talking about. The Commission is suggesting that there should be model programs, if you will, that they, the Commission have. And by the way, this Commission is made up of a disparate group of people, of no single mind, of no single ideology, of nothing other than an overwhelming respect for how vividly and significantly Dr. King's actions fundamentally altered the United States of America for the better. That is the only thing they have in common, nothing else—not political party, not ideology, nothing else. And that group of folks is saying, "Look, where there are schools that like to teach courses or aspects of courses about Dr. King, we, the Commission, have a pilot program. If you want to take it, if you want to use it, we can show you how we would do it, but it is up to you to do whatever you

want to do. It is not up to us, the Commission."

I am not part of the Commission so when I say "us," I use it more in an editorial sense. "It is not up to us, the Commission, to tell you how to do it but if you want some advice, we can help," just like we have, by the way, on a thousand other things, a thousand other things.

Law enforcement agencies come to Washington, DC, not Federal law enforcement agencies, local law enforcement agencies, and they say, "Don't you, FBI; don't you, CIA; don't you, Federal agencies, tell us how to run our local police departments but we sure would like some help. We know you do a lot of special things with regard to fingerprinting. Can you show us what you do and we can decide whether or not we want to do it? Or we would like help. Can you train us in how to deal with local terrorist activity? Can you train us on," and the thing that it seems like I have spent all my life working, "how to deal with the drug issue?"

No Federal FBI agents or DEA agents come in and say, "By the way, we have this program, we have a clearinghouse here." And that is what they call some of these things, a Federal clearinghouse in law enforcement. DEA is not coming in and saying, "Now, let me tell you something. Here is how you are going to run the local sheriff's office." It is not that at all.

The local sheriff's office comes in and says, "We have a problem. We need some expertise. What would you recommend?" And we say, "We have a clearinghouse. Here is the way we would do it. Here is the way we do it federally. Now, if you would like to do it, we can help you. If you do not want to do it, we understand."

That is what this is all about, unless I am—and it would not be the first time—missing a fundamental point. As I understand what the Senator is saying, there is nothing either in this Commission's annual report or in the enabling legislation that gives, as of this very moment, absent this amendment, the Commission the right to dictate in any way anything that happens at the local level, nothing at all. And so I would think that the amendment is somewhat superfluous and I would say confusing, because if the amendment were to pass because of the counterargument my good friend—and he is a friend. We work on a lot of committees together, and now on the Foreign Relations Committee. Although we have been on the opposite ends of a lot of arguments we have never been at the opposite ends of a personal argument.

The fact of the matter is, he may say, "Look, Senator BIDEN, if that is the case, why worry about it? Why not pass it anyway?" The reason not to pass it anyway is it confuses the devil out of things. It by implication suggests that the existing legislation gives power that it does not give in the first instance. And I would argue that if the Senator from North Carolina is worried about Federal intrusion he should not imply through this legislation that there is anywhere in the existing legislation the right of the Commission to force any local agency to do anything.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I say with great admiration and respect: I thinketh my friend doth protest too much. If the Commission is not engaging in any activities that are beyond the proper scope of a federally funded entity, then why worry about the amendment? The problem is that what he has stated is simply his opinion on what the Commission does. But opinions are just like noses. Everybody has one, and they interpret things differently.

But I think we ought to lock the barn door on these extraneous activities, because I have read the Commission report, and I have turned it over to some constitutional lawyers upon whom I rely. We all agree that some of the activities of the Commission are clearly beyond the scope of its authorizing legislation. I happen not to be a lawyer. That is one of the things I brag about ever so often. But I am saying to the Senator from Delaware that it is better to be safe than sorry even if he is right.

But by any reasonable interpretation of what the report itself says—and I read it into the RECORD—we need to have a safeguard about any inclination by anybody connected with the Commission to direct, control, or supervise the curriculum of any educational institution.

I will be glad to make legislative history right now, even though I do not think it is necessary, that nothing in this amendment prohibits the Commission from responding to a solicitation or a request for information; noting that, I judge, to be the concern of the Senator from Delaware.

But he gave the scenario where these folks say, "Now, look. We are going to give you this information, and you don't have to follow it. You can do whatever you want to," and so forth. Well, Mr. President, we all know better than that. The people who run the Commission, who operate the Commission, are understandably biased, and it is understandable that they will not want to provide anyone with any information that may be even implicitly derogatory to Martin Luther King. And they will never want such information to be mentioned in a schoolroom.

So it is the subtleties that bother me. For the life of me, I do not understand why it is not better to be safe than sorry. Assuming that my friend is correct and they are going to say, "Look, we just want to help; we just want to provide information and material. If you don't like it, you don't have to use it." If the Senator believes that is the way this Commission is going to operate, then I have some swampland down in eastern North Carolina I would be glad to sell him.

Mr. BIDEN. I understand swampland has been selling big for a while now.

Let me be very serious a moment.

Mr. HELMS. Calling this amendment a red herring is a little bit harsh. I do not propose this as a red herring. I think the Senator knows me better than that. I am just as sincere and genuine about my apprehension as the Senator is when he dismisses my apprehension.

I thank the Senator.

Mr. BIDEN. Mr. President, let me read the language again. It says "activities relating to the exercise of any direction" for example, where this will cause confusion. Obviously, if a local school board comes and asks for direction and the Commission gives direction, they will not be allowed to give direction under this legislation even if it is solicited; No 1.

No. 2, supervision. In fact, they come in, a local agency comes, a local entity, and seeks to be part of an ongoing program that in fact is designed to specifically tell about Dr. King and tell the good things about Dr. King. We have, for example, the holiday, Lincoln's Birthday. If we set up a committee or a Commission to celebrate or put a bust up for Franklin Delano Roosevelt, the purpose of those Commissions, everyone knows by definition, is to tell the good things. We do not have Commissions, we do not have public holidays for Lincoln for the purpose of gathering up material to point out Lincoln's shortcomings and his wife's shortcomings. We do not do that. That is not the purpose of this.

The purpose here is not to in any way impact upon what history will write or what will in fact will be taught in the history books. What it does say is tell the good things.

There is a little bit of confusion here. There is a difference between going out and saying do not say anything that is not true and to the best of my knowledge, I have not heard anyone allege that anyone on this Commission or anywhere else in this body is arguing that you should say things about Dr. King that are not true. We should not tell children he was 9 foot 7 inches tall. We should not tell children that in fact he was the guy who discovered the North Pole. We should not say things like that. We should only say things that are true.

But the corollary of that is not true which is to say that you must say ev-

erything alleged or otherwise. The purpose of this Commission is to promote, promote. It is not to be the definitive word and the final historical analysis of who Dr. King was as the leader, as the man, as the child. That is not the purpose.

So we are getting a little bit confused here I think. But the point is if we pass this amendment, it will do nothing but create mischief because what constitutes direction? If it is asked for and given, is it in violation of the statute?

So I suggest that it is: A, not only not needed; B, as sincerely as it may be offered, the sincerity is understandable, but nonetheless misplaced; and the concern is in this Senator's opinion overblown, although clearly and deeply held not to be overblown by the Senator from North Carolina.

I am not sure it warrants at least on the part of the Senator from Delaware additional debate because I know we are trying to get to other amendments. But I will conclude by suggesting that we should not confuse.

The purpose of the Commission, the reason why the U.S. Senate in 1984 overwhelmingly voted to establish this holiday, is not to establish a holiday that celebrates the frailties of Dr. King. We all have frailties. It is to celebrate the phenomenal contribution that he made in the progress of America and humankind.

That is what it is about. So I do not see where this is needed, and at the appropriate time I will urge my colleagues to vote against this amendment.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois, Senator SIMON.

Mr. SIMON. Mr. President, I think we have to assume that my good friend from North Carolina is very serious and is concerned about a supervision taking place.

I really do not think it is something we need to worry about. The Commission is going to make recommendations to us. That is all commissions ever do. It is up to the legislative body, the Congress, to act upon it. And if you take a look at the amendment, they could not even make recommendations as to any books that a library could buy about Martin Luther King. I do not think this is an amendment that adds to what we are trying to do. Let me just, if I may, take another couple of minutes here to talk about the general subject, in addition to the amendment.

My home in southeastern Illinois is much more southern than most people realize. My home is 173 miles from the Mississippi border, 331 miles from Chicago. It is south of Louisville and south of Richmond. We are southern in many ways in southern Illinois.

When, as a young, very green State legislator, I got involved in civil rights things, I found myself one day being invited by Martin Luther King to speak at the second anniversary of the bus boycott in Montgomery. In 1957, I was 28 years old. I spoke at the Dexter Avenue Baptist Church. I spent 2 days with Dr. King and Ralph Abernathy and some of the other leaders there in Montgomery. It was a moving experience. At that point he was showing people who were black, African Americans, how to fill out a form, a lengthy form, in order to register to vote, and the form would say, "What is your interpretation of the ninth amendment to the Constitution?" and things like that.

There is no question about the contribution of Dr. King to this country. I saw Dr. King then through the years grow in national stature. And what we are doing in this amendment with this Commission, is to say we want something meaningful honoring his birth.

Dr. King contributed a great deal, but I think we are saying—beyond the tribute to Dr. King—we are saying that we want our country to broaden its base. We want to reach out to everyone. I think that is awfully important.

There are a lot of good things that are happening. There are some things that are happening that are not good. We read about violence in New York City, and we shudder when we read about that violence. But there are some other things happening. In Rockford, IL, in the second largest city in my State, they elected a black American as mayor. The city is 14 percent black. He received 63 percent of the vote, carried every ward in the city of Rockford, including the all-white wards in the city of Rockford.

We know of other things that are positive that are happening, but one of the positive things that can happen is to pay the proper tribute that we should to a great American, Martin Luther King. In the process of that, we broaden our society and say to all Americans, this country is not just for white Americans. It is for everyone. I think it is a step in the right direction. My hope is that this particular amendment, well-intentioned as it may be, be defeated and that we adopt the bill and move on its expeditiously.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who wishes to be recognized. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. We have no time agreement as of now. But I do have a personal agreement with the majority leader that I will take 3 or 4 minutes or 5, if that.

I am very interested in the comments that "You do not need to worry about that, JESSE, this is not going to happen, Senator," and so forth. You know, I heard that 11 years ago when I stood on this floor and warned about a fellow named Noriega. They said, "Do not worry about that; nothing will happen." But we know a little bit better now. If we had embarked then on a somewhat different policy, we would not be up to our armpits in trouble with Panama right today.

The same thing occurred on this floor when we considered the Panama Canal Treaties. I call it the "Panama Canal giveaway," which I vigorously opposed. I raised questions then and they said, "Do not worry about that, we are going to win friends and influence people in Central America; do not worry about that JESSE. There is nothing to worry about." Now we know better.

The distinguished Senator from Delaware, who is my friend—and as he indicated we serve together on various committees, and I enjoy every minute of it—he said something to the effect that this is an "innocuous" amendment.

It is anything but innocuous. In fact, that is what bothers the Senator from Delaware. It says to this Commission what we say to all governmental agencies; that you cannot control and you cannot direct State and local educational curriculums. He used the word "local, local, local." I had to look at my own amendment to see if anything of that nature was in it. It is the policy, and should be the policy of this Government, that at the Federal level, we do not direct or control the curriculum, et cetera, of our schools in the 50 States or in their subdivisions.

I will be very surprised if there is not a substantial vote for this amendment, but I realize that Senators march in here in lockstep, and they do not read the amendment and do not know much about it before they vote. So it may well be defeated. But I feel I have discharged my duty. Maybe some time in the future—and I hope it does not happen—maybe I will be standing here trying to tell this body that my amendment will not impede, inhibit or interfere with the legitimate functions of the Commission. I think it would be highly unwise if the Senate does not adopt this now, so we will not have to revisit the issue in the future.

Mr. President, that is it. As far as I am concerned we can proceed, I would say to the distinguished majority leader.

Mr. MITCHELL. I thank my colleague.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 4:05 p.m. the Senate proceed to vote on the Helms amendment No. 68. I further ask unanimous consent that immediately following that vote, the Senate,

without any intervening action, proceed to vote on the Helms perfecting amendment No. 69.

I further ask unanimous consent that upon the disposition of these amendments, Senator HELMS be recognized to offer up to two more perfecting amendments to the pending Nunn amendment No. 67. One, dealing with the placement of a plaque containing the Declaration of Independence, which I understand will be accepted by the managers; and the other, dealing with chartitable donations by Members of Congress; that upon the disposition of those amendments, the Senate proceed without any intervening action to vote on pending Nunn amendment No. 67.

I further ask unanimous consent that upon disposition of the Nunn amendment, Senator BIDEN be recognized to offer an amendment, and that upon the disposition of the Biden amendment, the Senate proceed to third reading of S. 431, after which the Senate proceed to the immediate consideration of H.R. 1385, the House companion bill; that all after the enacting clause be stricken, and the text of S. 431 as amended be substituted in lieu thereof, and the bill be advanced to third reading. I further ask unanimous consent that no other amendment or motions to either bill be in order.

The PRESIDING OFFICER. Is there objection.

Mr. HELMS. I reserve the right to object, but I shall not object.

Did I hear the Senator say a "plaque" with respect to the Declaration of Independence?

Mr. MITCHELL. That is my understanding.

Mr. HELMS. It is the replica of the Declaration of Independence that had been in the rotunda for years and years and years. I do not want the word "plaque" to stand.

Mr. MITCHELL. I ask that my request be amended to substitute the word "replica" for "plaque."

Mr. HELMS. Yes, sir.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I would only say, as I understand it, one amendment will be accepted. I would hope that the Senator from North Carolina on the charitable donations amendment might discuss that amendment but not proceed to a vote on that amendment. That will be up to the Senator from North Carolina. But we have discussed it briefly.

I would assume then we will have at least four votes, possibly six. Is that correct?

Mr. MITCHELL. That is correct.

Mr. DOLE. And we have no objection.

Mr. HELMS. Mr. President, if the Senator will yield, I was thinking about discussing one of the amendments and withdrawing it. I wanted to discuss it to make a point.

Just to make it clear, the underlying amendment would not be voted upon until after the Nunn-Helms amendment has been disposed of; is that correct?

Mr. MITCHELL. The order which I understood had been agreed upon was that we would vote first on amendment No. 68, of the Senator from North Carolina, then amendment No. 69, of the Senator from North Carolina. Those are the two of which I believe one deals with lobbying and the other with educational activities.

The Senator from North Carolina would then be recognized to offer two additional amendments, one dealing with the placement of the replica of the Declaration of Independence, which I understand will be accepted without a vote; the other dealing with charitable donations by Members of Congress, and that the Senator has the right to request a vote on that, although he has apparently made no determination with respect to that. Thereafter, there would be a vote on the pending amendment which is No. 67.

Mr. HELMS. That is correct. I thank the distinguished leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request as modified by the majority leader?

Without objection, it is so ordered.

Mr. MITCHELL. I thank the distinguished Republican leader, and I thank the distinguished Senator from North Carolina, and the manager of the bill.

Senators should now be aware that beginning in 3 minutes, at 4:05 p.m., there will be two rollcall votes with the possibility later this afternoon of at least two and possibly four additional rollcall votes to complete action on this.

I do not anticipate that a lengthy period of time will elapse between the time of these two votes and final disposition. So it is still my intention to begin consideration of the budget resolution sometime this afternoon.

Mr. DOLE. Mr. President, I rise in support of the amendment offered today by my distinguished colleague from Georgia, Senator NUNN, by my distinguished colleague from North Carolina, Senator HELMS, and by several other Senators, including myself.

DESCRIPTION OF THE AMENDMENT

This amendment is simple and straightforward: it restricts the Martin Luther King, Jr., Federal Holiday Commission from using its funds—either private or public—for the purpose of encouraging protests or any form of civil disobedience. It also permits regulation of the Commission under the Federal Advisory Committee Act. In this way, the Commission will be subject to the same body of regulations with which most other federally funded Commissions must comply.

WHAT THE AMENDMENT DOES NOT DO

I would like to make clear what this amendment does not do. It is not intended to restrict—in any way—the distribution of educational materials about Dr. King, his life, his work, his commitment to nonviolence. It would be a great loss and disservice to America if the Commission and its important mission were hampered by such a restriction.

Instead, this amendment is simply aimed at prohibiting formal training in civil disobedience and protest activities—training that might be accomplished through classroom activities or through the distribution of "nuts-and-bolts" civil disobedience literature. That's all this amendment goes after. It does nothing more and does nothing less.

CORETTA SCOTT KING AND THE COMMISSION STAFF

Mr. President, I know that Mrs. King, Mr. Lloyd Davis, and some of the other members of the Commission staff have been sitting in the Senate Gallery during the course of this debate. I would like to thank them for attending these proceedings, and I would also like to commend them for the fine work that they have done at the Commission.

Mr. President, I would also like Mrs. King to know that this amendment is not intended to suggest that the Commission is somehow un-American, or unpatriotic. Quite the contrary. This amendment will simply clarify the very important and very patriotic role of the Commission in promoting the holiday of an American hero.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Washington.

Mr. ADAMS. Mr. President, I rise in support of S. 431, legislation which continues the work of the Martin Luther King, Jr. Federal Holiday Commission. I am pleased to be an original cosponsor of this bill.

The Martin Luther King, Jr. Commission has done an outstanding job since it was created in 1983 to promote a national holiday to celebrate the life and work of this great man. When the Commission was first created, only 17 States recognized the Martin Luther

King, Jr., holiday; today, 45 States celebrate January 16 as a holiday. The success of the Commission in fulfilling its mandate has not diminished the need for its efforts. The Commission provides advice and assistance to thousands of public and private organizations that want to participate in the national activities to commemorate Dr. King.

In acting today to reauthorize the work of the Commission, it is appropriate to remind ourselves how much more work we have to do, as a nation, in fulfilling the goals and values of Dr. King.

America is a nation that strives for justice, but does not always match its ideals with its actions. Martin Luther King, Jr., was a man who saw injustice and felt the weight of oppression, and refused to be broken by it. His life exemplified what is best in this country: A desire for freedom and equality and the determination to struggle for these ideals. He had the strength to withstand jail and march in the midst of strident racism and he had the courage to battle hate with love. Dr. King did not stray from the path of nonviolence, though many of us might have been tempted to had we been faced with the discrimination and vilification experienced by civil rights workers in those days.

The life of Dr. King is remarkable not simply for what he did during his lifetime, but for what he has come to represent since his death. Dr. King is a symbol of hope; he stands for the enduring truth that the spirit of man cannot be quashed. This is a lesson that we must continue to learn. In our inner cities there are thousands of individuals who despair of hope. They struggle daily with the scourge of drugs. They lack jobs and even the opportunity to find them. And our educational system has failed them. The message of Dr. Martin Luther King, Jr., is as relevant to their lives today as it was 20 years ago. As he put it in Montgomery, AL in 1965:

> Let us continue * * * our march to the realization of the American dream. * * * The road ahead is not altogether a smooth one. There are no broad highways that lead us easily and inevitably to quick solutions.

When asked how long it would take before we realized this dream, his answer was "Not long. Because no lie can live forever."

By remembering Dr. King's life and struggles, we are also reminded that it is our duty to carry on his unfinished legacy. America's youth depends upon our vigilance in fighting those forces that would deny them the opportunity to truly share in America's wealth and promise.

VOTE ON AMENDMENT NO. 68

The PRESIDING OFFICER. Under the previous order, the hour of 4:05 p.m. having arrived, the Senate will now proceed to a rollcall vote on amendment No. 68 offered by the Senator from North Carolina [Mr. HELMS].

The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 19, nays 80, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—19

Armstrong	Hatch	Pressler
Bond	Helms	Rudman
Byrd	Humphrey	Symms
Garn	Lott	Wallop
Gorton	Mack	Warner
Gramm	McClure	
Grassley	Nickles	

NAYS—80

Adams	Durenberger	McCain
Baucus	Exon	McConnell
Bentsen	Ford	Metzenbaum
Biden	Fowler	Mikulski
Bingaman	Glenn	Mitchell
Boren	Gore	Moynihan
Boschwitz	Graham	Murkowski
Bradley	Harkin	Nunn
Breaux	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Heinz	Pryor
Burdick	Hollings	Reid
Burns	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Thurmond
Dodd	Lieberman	Wilson
Dole	Lugar	Wirth
Domenici	Matsunaga	

NOT VOTING—1

Riegle

So the amendment (No. 68) was rejected.

VOTE ON AMENDMENT NO. 69

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on amendment No. 69, offered by the Senator from North Carolina.

The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 7, nays 91, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—7

Armstrong	Lott	Wallop
Byrd	McClure	
Helms	Symms	

NAYS—91

Adams	Fowler	McConnell
Baucus	Garn	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Burns	Hollings	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerrey	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Warner
Domenici	Lugar	Wilson
Durenberger	Mack	Wirth
Exon	Matsunaga	
Ford	McCain	

NOT VOTING—2

Humphrey Riegle

So, the amendment (No. 69) was rejected.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the prior amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 70 TO AMENDMENT NO. 67

(Purpose: To express the sense of the Congress that the bronze replica of the Declaration of Independence should be returned to its place of prominence in the rotunda of the United States Capitol)

Mr. HELMS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 70 to amendment numbered 67.

At the end of the amendment, add the following:

"The Congress finds that:

The ideas expressed in the Declaration of Independence have inspired freedom-loving people throughout the world.

The eloquent language of the Declaration of Independence has stirred the hearts of the American people.

The Declaration of Independence ranks as one of the greatest documents in human history.

On July 2, 1952, a bronze replica of the Declaration of Independence was presented to Congress for display in the rotunda of the United States Capitol.

On July 22, 1988, the bronze replica of the Declaration of Independence was moved from the rotunda of the Capitol to the small House rotunda between the Capitol rotunda and Statuary Hall.

The bronze replica of the Declaration of Independence was replaced in the rotunda by a bust of Martin Luther King, Jr.

It is the sense of the Congress that the bronze replica of the Declaration of Independence should, forthwith, be returned to a place of prominence in the rotunda of the United States Capitol where it shall remain on permanent display.".

Mr. NUNN. Will the Senator yield for a brief question? Could we get a copy of the amendment?

Mr. HELMS. I thought the Senator already had one.

Mr. NUNN. I cannot seem to find one.

Mr. HELMS. Yes. It is my understanding, Madam President, that this amendment may be acceptable.

Mr. President, on July 2, 1952, marking the 176th anniversary of the adoption of the resolution of Richard Henry Lee for the Declaration of Independence by the Continental Congress in Philadelphia, a ceremony was held in the rotunda of the U.S. Capitol for the acceptance of a bronze replica of the Declaration of Independence as a gift from Mr. Michael Francis Doyle of Philadelphia.

I have gone back and read a whole lot about that day, and I commend such a reading to other Senators just as a matter of interest. Judging from the proceedings of that day, which were printed as a Senate document, this was a very moving ceremony. I wish I could have been there. After an invocation by Rev. Bernard Braskamp, the Chaplain of the House of Representatives, Senator Theodore Francis Green of Rhode Island, who was the chairman of the Joint Committee on the Library, made introductory remarks, followed by a presentation address by James P. McGranery, who was the then U.S. Attorney General.

Following the Attorney General, Mr. Doyle made the presentation of the bronze replica, and it was unveiled by Miss Olivia Taylor, a direct descendant of Thomas Jefferson, who happens to be a personal hero of mine, along with two direct descendants of Benjamin Franklin, Margaret and Emily Bache. Acceptance speeches followed by Senator Guy M. Gillette, on behalf of the Vice President of the United States, and by the Honorable Sam Rayburn, the Speaker of the House. The ceremony was closed with a benediction by Rev. Edmund A. Walsh, vice president of Georgetown University.

Madam President, I think I can best convey the significance of that day through the words of those who participated in the ceremony. Let me quote from the introductory remarks by Senator Theodore Francis Green. Incidentally, as a matter of personal interest to me, I was in Washington then as administrative assistant to one of North Carolina's Senators, and I remember Senator Green sat right over there, and I watched him day after day. He was a charming man. He served a long time in the Senate. But here is in part what Senator Green said on July 2, 1952:

It is most fitting that we should have on display here, the seat of the legislative branch of our Government where the laws of our country are enacted, a copy of the Declaration of Independence. It should serve, first, as a vivid reminder to the Members of Congress of the purposes and ends of our Government, and secondly, as a guide for their own actions as legislators. It should also cause each viewer firmly to resolve that his generation shall bear its burdens, sacrifices, and hardships as nobly as they were borne by our Founding Fathers, and that his generation shall preserve and pass on intact the priceless heritage bequeathed to it.

In his acceptance address, Senator Gillette told a story about one of his constituents, a Russian immigrant, who asked to be taken to the Library of Congress to view the original Declaration of Independence. Senator Gillette noticed that the man began crying as he read the document. Senator Gillette asked what the man was thinking, and this Russian immigrant responded, "I am thinking of this: That there is a document that is of such superlative meaning to free people everywhere in the world, not only in America, but free people everywhere, and here is only one man guarding it." He was referring to the uniformed guard in the Library of Congress.

Senator Gillette explained to the immigrant that, "[T]here is not only one man guarding that document, but * * * there are 155 million guardians of that document in the United States, and there are countless millions who would stand with us in guarding the principles represented by that document."

Madam President, since that day in 1952, the bronze replica of the Declaration of Independence was prominently displayed in the Capitol rotunda along with the busts and statues of Presidents of the United States. It was placed there as an important symbol. In the words of Francis Doyle, "Let us look back to our Declaration of Independence; let our youth read the words upon which our freedom was established and upon which our Government is founded."

Madam President, earlier this year I suggested to a couple of interns in our office that they should go over to the rotunda and see the beautiful bronze replica of the Declaration of Independence. I was surprised when they returned and told me they couldn't find it. I thought they were mistaken, so I went to the rotunda and, to my own surprise, the bronze replica of the Declaration of Independence was indeed gone. It has been moved out of the rotunda into the passageway leading into Statuary Hall.

Also in that passageway are statutes of Stephen F. Austin, George Clinton, and Frederick Muhlenberg.

In place of the Declaration of Independence was a bust of Dr. Martin Luther King that had been relocated from its original display in another part of the Capitol.

Madam President, I have since learned that the Declaration of Independence was moved by the Architect of the Capitol on July 22, 1988. It was done at the behest of several congressional leaders and with the approval of the Joint Committee on the Library.

I am not suggesting what should be done with the bust of anybody. But surely the space can be adjusted to accommodate the return of the replica of the Declaration of Independence. It will not be seen where it is except by a casual few. I am somewhat offended that it was moved in the first place. They could have moved it over or they could have adjusted. But no, they have moved it out.

Even assuming that everything that had been said about Dr. Martin Luther King is accurate, I still do not believe that his contribution to this country exceeds in importance the Declaration of Independence.

When Michael Francis Doyle presented the replica to Congress, its acceptance and display in the rotunda had a special significance: as Doyle said, "Let us look back to our Declaration of Independence; let our youth read the words upon which our freedom was established and upon which our Government is founded."

Madam President, the Declaration of Independence in my judgment should have the most prominent display available in the Capitol. It does not suffice to say that it is simply "somewhere" in the Capitol.

It deserves to be moved back into the rotunda. Whatever adjustments, and I am sure they would be simple, to accomplish this ought to be done.

So that is the pending amendment which simply expresses the sense of the Congress that the bronze replica of the Declaration of Independence should be promptly returned to its place of prominence in the rotunda of the Capitol.

I hope this amendment will convince the Architect of the Capitol and the

Members of the Joint Committee on the Library that the bronze replica has a special significance as Mr. Doyle says. It has a special significance in our history, in our hearts, and certainly in the rotunda of the U.S. Capitol. In my judgment, it should not have been moved in the first place.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I can think of no American who has put more faith in, nor counted more upon, nor used as a rationale for his actions the Declaration of Independence than Dr. Martin Luther King. I cannot think of a single American who in the entirety of his life has relied upon that document more to bring freedom and light, if you will, freedom to his people and light to the rest of the country, through that vehicle, the single vehicle that he used. The single vehicle that he used, to ultimately bring about the kind of equality that he dreamed about was the Declaration of Independence. That was the basis upon which he moved.

The Constitution ended up being the rationale and the specific vehicle that was used. But the embodiment of the Declaration of Independence, what it is all about, is what he was about. I have no doubt, were he alive and well today, were he a U.S. Senator, he would be the first to agree with this amendment.

I ask my distinguished colleague from North Carolina whether or not in light of what he said, he intends—and I believe he meant exactly what he said—if he would be willing, in the last paragraph of his amendment, third sentence, where it says "be returned to the place of prominence," to amend to say "be returned to a place of prominence," because it is hard to determine what "the place of prominence" is.

Mr. HELMS. If the Senator will yield, I noticed the same thing.

I ask unanimous consent to modify the amendment, and make it read "be returned to a place of prominence in the rotunda of the United States Capitol."

The Senator is exactly right.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator's modification is accepted.

The amendment (No. 70), as modified, is as follows:

At the end of the amendment, add the following:

"The Congress finds that:

The ideas expressed in the Declaration of Independence have inspired freedom-loving people throughout the world.

The eloquent language of the Declaration of Independence has stirred the hearts of the American people.

The Declaration of Independence ranks as one of the greatest documents in human history.

On July 2, 1952, a bronze replica of the Declaration of Independence was presented to Congress for display in the Rotunda of the United States Capitol.

On July 22, 1988, the bronze replica of the Declaration of Independence was moved from the Rotunda of the Capitol to the small House Rotunda between the Capitol Rotunda and Statuary Hall.

The bronze replica of the Declaration of Independence was replaced in the Rotunda by a bust of Martin Luther King, Jr.

It is the Sense of the Congress that the bronze replica of the Declaration of Independence should, forthwith, be returned to a place of prominence in the Rotunda of the United States Capitol where it shall remain on permanent display.".

Mr. BIDEN. Madam President, as manager of the bill at the moment, I wholeheartedly concur, endorse, and accept the amendment of the Senator from North Carolina.

Mr. HELMS. I thank the able Senator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 70), as modified, was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 71

(Purpose: To express the sense of the Congress that each Member of Congress who supports the extension of the Martin Luther King Federal Holiday Commission should personally contribute to the Commission the sum of $1,000)

Mr. HELMS. Madam President, I will handle this one quickly. I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 71 to amendment numbered 67.

At the end of the amendment, add the following:

SEC. . PERSONAL CONTRIBUTIONS BY MEMBERS OF CONGRESS.

It is the Sense of the Congress that each Member of Congress who supports the use of Federal funds by the Martin Luther King Federal Holiday Commission should make a personal contribution to the Commission in the amount of $1,000.

Mr. HELMS. Madam President, I sent this amendment forward to simply make a point. I said earlier during this debate that it was so easy for Members of Congress to do away with other people's money.

I remember one other occasion when a matter of great compassion and generosity was being discussed on the Senate floor, and a vote for a substantial amount of taxpayers' money to be spent on it. Senator after Senator got up and made clear their compassion and how necessary this was. I slipped off the floor, went into the Cloakroom, got in the telephone booth, and I called Billy Graham.

Billy is a long time friend. We were born about 20 miles apart. I told Billy about the legislative proposal, and I said "You are trying to do something on this. Would you head up some commission to raise this money privately?" I said "I agree with you and I will be glad to contribute to it." He said "of course." So I came back on the floor. I got a yellow pad and I scribbled a little amendment to the effect that all Senators and all Members of the House of Representatives—the House had already passed a similar piece of legislation—should contribute a thousand dollars. That would have taken care of it because it was somewhere in the neighborhood of half-a-million dollars.

I wrote out a check. I probably was the poorest guy in the Senate. But I wrote out a check for a thousand dollars. I sent it to the desk with the amendment.

Well, I wish you could have seen, Madam President, the reaction on the floor. I never saw so many Senators come over and shake their fingers in my face and say, "What are you doing?" I said, "I am suggesting you give $1,000 of your own money, and stop taking it away from the taxpayers." I got very few votes on that occasion, just as I have gotten relatively few today. But the point is that, somewhere along the line, we must be guardians of the public purse in small things, as well as big things. Right now we are not guarding the public purse on anything.

Obviously, I will not push this amendment, but I wanted to bring up the thought just to make a point, that Senators ought to give a little more thought before rushing pellmell to vote to add a few million dollars here and a few million dollars there. I believe Senator Dirksen said on one occasion, "A billion dollars here and a billion dollars there, pretty soon it runs into a pile of money." I will withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment was withdrawn.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. Under the previous order, Senator, a vote is to occur on amendment No. 67.

Mr. HELMS. Which is?

The PRESIDING OFFICER. It is an amendment by Senator NUNN, himself——

Mr. HELMS. I thank the Chair. Have the yeas and nays been obtained?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. I think we ought to proceed and get the show on the road.

Mr. BIDEN. I thank my colleague from North Carolina for his cooperation, Madam President. He is a man of his word. He indicated when the time agreement was being sought an hour ago, there was no need for one, and that he would proceed with deliberate speed. I compliment him and I, too, suggest that we vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 67, offered by Senator NUNN and Senator HELMS. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. RIEGLE] and the Senator from New Jersey [Mr. LAUTENBERG] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—96

Adams	Ford	McClure
Armstrong	Fowler	McConnell
Baucus	Garn	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Burns	Helms	Robb
Byrd	Hollings	Rockefeller
Chafee	Inouye	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dixon	Lieberman	Symms
Dodd	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	Matsunaga	Wilson
Exon	McCain	Wirth

NAYS—0

NOT VOTING—4

Humphrey	Lautenberg
Jeffords	Riegle

So the amendment (No. 67) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, for the information of Senators, there will, momentarily, be a rollcall vote on final passage of this legislation. Only one minor technical amendment to be offered by the Senator from Delaware will intervene. That will be the last rollcall vote this evening.

We will then proceed to the budget resolution. Opening statements will be made. One amendment will be offered and debated tonight and a vote will be scheduled on that for tomorrow morning at a time yet to be established.

Senators should be on notice that there will be several amendments and possibly several rollcall votes tomorrow, and they could occur throughout the day. So Senators should be aware of that.

I now, Mr. President, yield to the distinguished Senator from Delaware to offer the remaining amendment to this bill.

AMENDMENT NO. 72

(Purpose: To provide for reestablishment after termination of the Commission)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 72.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, insert between lines 16 and 17, the following:

(c) REESTABLISHMENT AFTER TERMINATION.—If the date of the enactment of this Act occurs on or after April 20, 1989, the Martin Luther King, Jr., Federal Holiday Commission shall be reestablished on the date of the enactment of this Act with the same members and powers that the Commission had, as provided in Public Law 98-399 (98 Stat. 1473), on April 19, 1989 (subject to this Act and the amendments made by this Act).

On page 3, line 16, insert before the period "(pursuant to section 4(a) of Public Law 98-399 (98 Stat. 1473) or section 2(c) of this Act, as appropriate)".

Mr. BIDEN. Mr. President, let me just say this is a technical amendment suggesting when and if this act becomes law that will be the effective date of the beginning of the Commission.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. BIDEN].

The amendment (No. 72) was agreed to.

Mr. HOLLINGS. Mr. President, I am an original cosponsor of S. 431 which extends the life of Martin Luther King, Jr. Federal Holiday Commission because I believe that the Commission's work in promoting the holiday has been invaluable in promoting Dr. King's ideal of justice and equality for all Americans. As a member of the Holiday Commission, I have seen the holiday grow to the point where 44 States and over 140 foreign countries observe Dr. Kings birthday.

Since its inception, the Holiday Commission has operated solely on private donations and it has done a remarkable job of recruiting and organizing volunteers and operating on a shoestring budget, but it is time to provide the funding and stability necessary so that the job can be done and done right. This bill provides a 5 year extension and an annual appropriation of $300,000 to help meet the costs of the Holiday Commissions operation. This, of course, will be only part of their budget, and they will continue to raise substantial funds from the private sector.

This is entirely appropriate when one looks at the man to be honored. It is the most American of stories. Dr. King was a man of humble beginning who has all of his own society's strength organized against him. But he overcame the forces annoyed against him, not because of the power of his office or the strength of his numbers, but because of the power of his message—that all men should be treated equally.

Today, it is easy to forget the struggle crusade that Dr. King led because so many of the things he died for are now taken for granted. Yet that is perhaps the most eloquent testimony to his success.

The struggles in Birmingham and the struggles in Selma, throughout the South and throughout the Nation, were often met by tear gas, clubbings, and mass arrests. But the confrontations of violence and nonviolence not only called attention to specific incidents, places or civil wrongs, it induced a Nation to confront its conscience and protect the most fundamental rights of a free society—the right to vote and the freedom to be.

Mr. President, I urge my colleagues today to extend the Holiday Commission designed to commemorate the birth of a man who sought to make a living reality of our fundamental principles, that "all men are created

equal" and the we all have a right to "life, liberty, and the pursuit of happiness." Dr. Martin Luther King, Jr., not only furthered the cause of black Americans, he furthered the cause of All Americans. Indeed, America was his cause. We must not forget his efforts, his accomplishmnts, and his spirit, for with them lies not only a dream but the foundation of freedom upon which this great Nation has been built.

Mr. METZENBAUM. Mr. President, I rise to express my support for S. 431, which would provide for the reauthorization of the Martin Luther King, Jr. Federal Holiday Commission.

I am proud to be an original cosponsor of this legislation.

Martin Luther King has had a profound impact in my life.

In 1965 I marched with Dr. King from Selma, AL to Montgomery.

In 1983 I was proud to join a majority of my colleagues and vote in favor of making Martin Luther King's birthday a Federal holiday.

And in 1984 I supported the creation of the Martin Luther King, Jr. Federal Holiday Commission.

And I supported the 3-year extension of the Commission in 1986.

As we stand here today, considering this bill to reauthorize the Commission another 5 years, I cannot help but be amazed.

Amazed that 25 years after the Civil Rights Act of 1964 was passed by this body, we stand here today and debate the merits of a commission that would continue to encourage appropriate ceremonies and activities relating to the Federal holiday honoring this great American.

Amazed that the U.S. Senate would spend time debating such an issue.

Only one day out of the year honors a great black American.

What must the American people think of us to be arguing at length over this relatively minor expenditure to honor a great American from our own era.

Look at all the money we spend on weapons systems and other programs. Often with less debate than we are having on this issue.

What does it say about us that 21 years after his death, we can still argue about whether or not we should honor him.

Perhaps we need to reflect for a moment on just what Martin Luther King contributed to this great Nation of ours.

Dr. King first gained national attention in 1955, when as a 26-year-old Baptist minister, he organized a boycott of buses in Montgomery, AL. At that time black passengers were forced to ride in the back of the bus. Dr. King saw that this was wrong. He led a peaceful yearlong boycott of those buses, and as a result those buses were integrated.

But this was only the beginning. Wherever Martin Luther King saw Americans treated unjustly because of the color of their skin, he spoke out, he organized others, and he led peaceful, nonviolent demonstrations and boycotts.

And he won. Integrating first the buses, then the lunch counters, the universities, and other public facilities.

His peaceful struggle continued as he fought for laws to protect the rights of Americans of all races.

In 1963 Dr. King led the largest March ever seen in our Nation's Capital at that time, a peaceful demonstration that culminated in his inspirational "I have a dream" speech on the steps of the Lincoln Memorial.

The following year his work was honored the world over when Dr. King was awarded the Nobel Peace Prize.

Dr. King believed in the American form of Government. He believed in the strength of the ballot box.

He organized his followers to register to vote. Where he found barriers to the ballot box, he sought to knock those barriers down. He fought the racist literacy tests and the poll tax, and eventually won passage of the Voting Rights Act of 1965.

Dr. King continued his nonviolent struggle against economic injustice fighting for fair employment practices and fair housing for all.

It was one such struggle for economic justice that brought him to Memphis in support of striking sanitation workers, during the spring of 1968.

And it was there on April 4, 1968, that this man who preached changes through creative nonviolence met his violent death.

I wonder if we realize how blessed we were as a nation, to have at such a pivotal point in our history, as the leader of the civil rights movement, a man who chose the path to non-violence, the path of peaceful change.

Fifteen years later, recognizing the greatness of the man, this Congress passed, and President Reagan signed a bill designating Martin Luther King's birthday a Federal holiday.

And today I have heard the Senator from North Carolina say that the Congress should not reauthorize the Federal Holiday Commission.

It has been called an unnecessary waste of money.

Is it a waste to have the Commission provide information to our schools so that young people can learn about a man who was able to end great injustices, not through violent revolution, but through peaceful nonviolent demonstration?

Is it a waste to have a commission organize and coordinate activities on this Federal holiday that remind all Americans how far Martin Luther King brought all of us as a people, and as a nation, during his short life. And remind us of how far we have yet to go?

The Commission has been criticized by the Senator from North Carolina, because its National College Student Conference taught students how to effectively deal with injustices through peaceful protest campaigns.

And if this isn't bad enough he tells us that at this same conference students were also encouraged to register and vote.

I say that if the Federal Holiday Commission is carrying on the Legacy of Martin Luther King by making his philosophy of nonviolence and participation in our political process, come alive for our young people then this Senator is proud to vote in favor of its reauthorization for another 5 years.

Mr. CRANSTON. Mr. President, the bill before us signifies our commitment to the principles of freedom and equality. This bill extends the authorization of the Martin Luther King, Jr. Federal Holiday Commission for 5 years, enabling the Commission to continue its important work promoting the celebration of the life and teachings of Dr. Martin Luther King, Jr.

Dr. King was one of the most inspiring leaders of any era. He exemplified the best of America—our democratic traditions, our strides toward full and equal civil rights, and our commitment to the Bill of Rights. His speeches, his writings, his actions all worked toward fulfilling the fundamental promise of America and of our unique revolution—toward a land which truly recognizes that all are created equal, and all can share the dream.

In 1957, I traveled throughout the South—visiting Texas, Mississippi, Alabama, Georgia, and other States. I met with freedom marchers and segregationists, with reporters, Ku Klux Klan members, and church leaders. I went to feel the winds of freedom blowing there—stirred by Martin Luther King, Jr.—and the counterwinds of fear and suppression.

And I saw the incredible results Dr. King achieved by applying the nonviolent techniques of Gandhi to the teachings of Christ. He touched people's souls in their tenderest spot.

The life of this one individual changed the course of our Nation's life. It changed a course begun in 1619 when the first black slave was brought to our shores.

Dr. King kindled the rebirth of America's dedication to the liberty and dignity of each individual—black or white, Jew or gentile.

Tragically, however, more than 20 years after his death, that promise has not been yet fulfilled. Poverty, discrimination, and violence remain with us in this country and throughout the world.

For this reason, I firmly believe that we cannot afford the loss of the Martin Luther King, Jr., Federal Holiday Commission at this time. In the past 3 years, the Commission has had tremendous success with expanding the scope of Martin Luther King celebrations worldwide. Holiday activities stress the importance of community service and education—themes that have recently emerged as high priorities on our national agenda. Authorizing Federal funds to aid the Commission at this critical point in its development will be an investment in our future for the purpose of ending, once and for all, inequity and injustice.

We who help lead this Nation will be held up to Dr. King's example of our commitment and actions in making the promise of the Constitution's guarantee of civil rights for every American a reality. It is our responsibility to reauthorize the Martin Luther King, Jr. Federal Holiday Commission in order that it may carry on with its important work.

I support S. 431 and urge its prompt adoption.

Ms. MIKULSKI. Mr. President, I rise today in support of this legislation and in opposition to any amendments that would weaken it.

When we honor Dr. King, we're not just honoring the dreamer, we're honoring his dream. For Americans born in the past 20 years, it is hard to realize what the civil rights movement accomplished. It is easy for them to ignore the courage and the perseverance of the thousands of people who fought to overcome 350 years of prejudice.

Dr. Martin Luther King, Jr., was a leader, and for that leadership he deserves everyone's respect and admiration. But he is also a symbol for what one person can do to change the world for the better.

When Dr. King stood on that platform to receive the ultimate accolade of the international community, the Nobel Peace Prize, he demonstrated to me, a young Baltimore social worker, that one individual can make a difference.

But a leader must have followers, and Dr. King showed the people who followed his example that if they worked together, and their cause was just, they could all make a difference. That was heady knowledge to someone who was trying to make a difference in her community; it has been my inspiration ever since.

Dr. Martin Luther King, Jr., was a preacher, an inspirational and charismatic orator who brought out the best in people. He was a man who lived what he preached, whether it was from the pulpit of his Atlanta church or from the tailgate of a wagon in some small southern town.

The Holiday Commission we are reauthorizing today is a small payment for the debt we owe this man. It is the American people stating that his principles are our principles.

It is an acknowledgment that Dr. King brought people together to fight for a cause, not to fight with each other.

It is an assertion that, in fighting for the rights of black Americans, he was fighting for the rights of all Americans.

And it is an everlasting reminder to us, to our children and grandchildren, that if we keep our eyes on the prize, and the prize is justice, we will prevail.

Mr. NUNN. Mr. President, I want to acknowledge the work of my staff on this bill, S. 431; particularly, Lori Brown, Tommy Dortch, Ed Kilgore, and Julie Abbot.

Mr. DOMENICI. Mr. President, I rise to support the Martin Luther King, Jr., Federal Holiday Commission Extension Act. The Commission, established in 1984, promotes the teachings of Dr. King and recognizes his achievements in advancing civil rights in our Nation and peace throughout the world by coordinating events to commemorate his birthday.

Frankly, Mr. President, I believe that Dr. King was a true American hero. He stood firm against injustice and he struggled to help the downtrodden of our country. He undertook the difficult task of alerting America to the racial discrimination that existed in our country, and he brought about a nonviolent revolution in American society. We, as a Nation and a people, are stronger because of the changes wrought by Dr. King.

Unfortunately, Dr. King was not able to complete his work. There is still inequality and injustice in American society. As long as our educational system fails to adequately educate our children and prepare them for the future and as long as our system does not provide equality of economic opportunity for all Americans, we shall not realize our full potential as a nation.

We need to continue the work of the Martin Luther King Federal Holiday Commission because the work of Dr. King needs to continue. By educating the public on the life and ideals of Dr. King, we can promote the cause of civil rights, education, and economic opportunity in the United States and throughout the world.

Mr. WARNER. Mr. President, in the 98th Congress, the Congress passed and President Reagan signed legislation making Dr. Martin Luther King, Jr.'s, birthday a Federal holiday. I was pleased to support the establishment of a holiday at that time to recognize a man whose work did much to focus national attention on justice and equality in America.

The Martin Luther King, Jr., Federal Holiday Commission was established in 1984 to encourage appropriate ceremonies and activities to honor the memory of Dr. King and his life's work. Authorization for the Commission has expired. We are here today to extend the work of the Commission for an additional 5 years.

Mr. President, I rise today in support of S. 431. The Commission has only been at work for 4 years. In that period the Commission has made achievements, but more time is needed.

I expect the Commission to focus its activities on the statutory purposes for which it was established by Congress.

As we review this issue today, I think back to the last time I heard Dr. King speak. Several years ago, I had the privilege to serve on the board of the Protestant Episcopal Cathedral here in Washington, DC. The dean of the Washington Cathedral was Frank Sayre, grandson of a Virginia President, Woodrow Wilson. He and I were instrumental in securing the board's approval to have Dr. King deliver a sermon at the cathedral. Little did we know that the sermon would be the last sermon Dr. King was to deliver.

I remember Dr. King's words that day and I reflect on his vision of a nation free of racial discrimination. Mr. President, it is important to remember Dr. King's message as delivered at the cathedral in the Nation's Capital. I believe the Commission should complete its work and I will vote for this legislation.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the reauthorization of the Martin Luther King, Jr., Federal Holiday Commission and in support of Federal funding for the Commission.

We honor Martin Luther King, Jr., with a Federal holiday because we want his legacy to survive, and to serve as an example for generations to come. During his lifetime, he became a moral conscience, not only for a movement, but for Americans across the land. His advocacy of racial equality and nonviolent social change was a beacon of hope and courage in a world beset by bigotry and hate.

The Commission's task is to help breathe life into the Martin Luther King celebration, to insure that it is something more than just a holiday—that it is an occasion to renew our commitment to the ideals exemplified by this great leader.

At a time when the young people of this country are beset by a range of threats, from drugs and crime to homelessness and broken families, it is more important than ever that we give them a foundation of values on which they can survive and grow. The Martin Luther King, Jr., Federal Holiday Commission helps build that foundation through its educational programs. That work must continue.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 1385, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1385) to make permanent the Martin Luther King, Jr. Federal Holiday Commission.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 431, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. RIEGLE] and the Senator from New Jersey [Mr. LAUTENBERG] are necessarily absent.

I further announce that if present and voting, the Senator from Michigan [Mr. RIEGLE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 90, nays 7, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—90

Adams	Daschle	Inouye
Baucus	DeConcini	Jeffords
Bentsen	Dixon	Johnston
Biden	Dodd	Kassebaum
Bingaman	Dole	Kasten
Bond	Domenici	Kennedy
Boren	Durenberger	Kerrey
Boschwitz	Exon	Kerry
Bradley	Ford	Kohl
Breaux	Fowler	Leahy
Bryan	Garn	Levin
Bumpers	Glenn	Lieberman
Burdick	Gore	Lugar
Burns	Gorton	Mack
Byrd	Graham	Matsunaga
Chafee	Gramm	McCain
Coats	Grassley	McConnell
Cochran	Harkin	Metzenbaum
Cohen	Hatch	Mikulski
Conrad	Hatfield	Mitchell
Cranston	Heflin	Moynihan
D'Amato	Heinz	Murkowski
Danforth	Hollings	Nickles
Nunn	Rockefeller	Simpson
Packwood	Roth	Specter
Pell	Sanford	Stevens
Pressler	Sarbanes	Thurmond
Pryor	Sasser	Warner
Reid	Shelby	Wilson
Robb	Simon	Wirth

NAYS—7

Armstrong	McClure	Wallop
Helms	Rudman	
Lott	Symms	

NOT VOTING—3

Humphrey	Lautenberg	Riegle

So the bill (H.R. 1385), as amended, was passed as follows:

H.R. 1385

Resolved, that the bill from the House of Representatives (H.R. 1385) entitled, "An Act to make permanent the Martin Luther King, Jr., Federal Holiday Commission," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Martin Luther King, Jr., Federal Holiday Commission Extension Act."

SEC. 2. REMOVAL OF TERMINATION.

(a) REMOVAL.—Section 9 of Public Law 98-399 (98 Stat. 1475) is amended to read as follows:

"SEC. 9. The Commission shall continue in existence until April 20, 1994.".

(b) CONFORMING AMENDMENTS.—

(1) FINDINGS.—Paragraph (3) of the first section of Public Law 98-399 (98 Stat. 1473) is amended by striking "first".

(2) PURPOSES.—Section 3(1) of Public Law 98-399 (98 Stat. 1473) is amended by striking "first occurs on Janaury 20, 1986" and inserting "occurs on the third Monday in January each year".

(c) REESTABLISHMENT AFTER TERMINATION.—If the date of the enactment of this Act occurs on or after April 20, 1989, the Martin Luther King, Jr., Federal Holiday Commission shall be established on the date of the enactment of this Act with the same members and powers that the Commission had, as provided in Public Law 98-399 (98 Stat. 1473), on April 19, 1989 (subject to this Act and the amendments made by this Act).

SEC. 3. MEMBERSHIP

(a) TERMS IN GENERAL.—Section 4(c) of Public Law 98-399 (98 Stat. 1474) is amended to read as follows:

"(c)(1) Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed not later than June 1 of each year for terms of 1 year, and any vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any vacancy in the Commission shall not affect its powers.

"(2) Coretta Scott King shall serve as a member for life. In the event of a vacancy, her position on the Commission shall be filled by a member of the family surviving Martin Luther King, Jr., not already a member of the Commission, who shall be appointed by the family and shall serve as a member of the Commission at the discretion of the family.

"(3) The 2 members of the Commission appointed as members of the family surviving Martin Luther King, Jr., shall serve as members of the Commission at the discretion of the family.".

(b) CONTINUATION OF TERMS OF EXISTING MEMBERS.—The individuals who are members of the Commission on the date of the enactment of this Act shall be considered to have been appointed members for a term ending on the first June 1 that occurs after the date of the enactment of this Act (pursuant to section 4(a) of Public Law 98-399 (98 Stat. 1473) or section 2(c) of this Act, as appropriate).

SEC. 4. RESTRICTIONS ON ACTIVITIES OF THE COMMISSION.

Section 6 of Public Law 98-399 (98 Stat. 1474) is amended by adding at the end thereof the following new subsection:

"(c) In carrying out the responsibilities of the Commission under this Act, the Commission shall not make any expenditures, or receive or utilize any assistance in the form of the use of office space, personnel, or any other assistance authorized under subsection (b), for any of the following purposes—

"(A) training activities for the purpose of directing or encouraging—

"(i) the organization or implementation of campaigns to protest social conditions, and

"(ii) any form of civil disobedience.".

SEC. 5. REPORTS.

Section 8 of Public Law 98-399 (98 Stat. 1475) is amended by striking the period at the end and inserting the following: "with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 7 of Public Law 98-399 (98 Stat. 1474) is amended to read as follows:

"Sec. 7. There are authorized to be appropriated to carry out this Act $300,000 for fiscal year 1989 and each of the 4 succeeding fiscal years.".

(b) CONFORMING AMENDMENTS.—

(1) EXPENSES OF MEMBERS.—Section 4(d) of Public Law 98-399 (98 Stat. 1474) is amended by striking "subject to section 7" and inserting "subject to the availability of sufficient funds".

(2) PAY FOR STAFF.—Section 6(a) of Public Law 98-399 (98 Stat. 1474) is amended by striking "Subject to section 7" and inserting "Subject to the availability of sufficient funds".

SEC. 7. REPEALER.

Section 5(c) of Public law 98-399 (98 Stat. 1474) is repealed.

SEC. 8. BRONZE REPLICA OF DECLARATION OF INDEPENDENCE.

(a) The Congress finds that:

(1) The ideas expressed in the Declaration of Independence have inspired freedom-loving people throughout the world.

(2) The eloquent language of the Declaration of Independence has stirred the hearts of the American people.

(3) The Declaration of Independence ranks as one of the greatest documents in human history.

(4) On July 2, 1952, a bronze replica of the Declaration of Independence was presented to Congress for display in the Rotunda of the United States Capitol.

(5) On July 22, 1988, the bronze replica of the Declaration of Independence was moved from the Rotunda of the Capitol to the small House Rotunda between the Capitol Rotunda and Statuary Hall.

(6) The Bronze replica of the Declaration of Independence ws replaced in the Rotunda by a bust of Martin Luther King, Jr.

(b) It is the Sense of the Congress that the bronze replica of the Declaration of Independence should, forthwith, be returned to a place of prominence in the Rotunda of the United States Capitol where it shall remain on permanent display.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 431 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, with reference to the bill that has just been passed by a vote of 90 to 7, it seems to me the Senate has a pretty good bill. I hope that my House colleagues might take a hard look at the 5-year reauthorization, $300,000 per year funding, one amendment which I think is very appropriate, and accept that. I know the President supports the Senate version and would be very pleased to sign the legislation; we could have this done very quickly, if the House could see fit to adopt the Senate version.

I also thank my colleagues on both sides for their support of the bill and those who managed the bill for their superb job. In my view the result was as it should have been, an overwhelming vote in support of the so-called Nunn proposal.

OMNIBUS CONGRESSIONAL BUDGET RESOLUTION FOR FISCAL YEARS 1990, 1991, AND 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 30, the budget resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 30) setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MITCHELL. Mr. President, I designate Senator SASSER to control the time for the majority.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I allocate control of the time on this side to the distinguished Senator from New Mexico, Senator DOMENICI.

The PRESIDING OFFICER. The record will so reflect the designation.

Mr. SASSER. Mr. President, I ask unanimous consent that the staff of the Committee on the Budget be allowed to remain on the floor during consideration of Senate Concurrent Resolution 30, and I will send to the desk a list of the Budget Committee staff which should be given floor privileges.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of Senate Concurrent Resolution 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, there are some minor typographical errors in the report that accompanies the resolution, and I send to the desk an errata sheet. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the errata sheet was ordered to be printed in the RECORD, as follows:

ERRATA

On page 40 of the Committee Report, strike "BA (−1.1)", and insert "BA (−1.2)". Under the category "Mandatory spending", strike "This level includes" and insert "Total savings in this function include ". The text should then read: "Total savings in this function include the President's proposal to advance farm deficiency payments from 1990 into 1989".

Mr. SASSER. Mr. President, I rise this evening to join with my distinguished friend, the senior Senator from New Mexico, in bringing to the floor of the Senate Concurrent Resolution 30, the fiscal year 1990 budget resolution.

Now, as my colleagues know, this resolution has already had a relatively long and embattled history. This budget resolution is the product of many hours of intense negotiations and sometimes bitter debate. It arrives here bloodied but I believe unbowed, largely because it represents the very best compromise attainable among a great many different points of view.

Let me say at the outset that this resolution and the bipartisan agreement on which it is based represents a genuinely meaningful step toward resolving this country's fiscal crisis, a step that gets the deficit down, that restrains spending, and sends a positive signal to the financial markets and, not I think unimportantly, allows the legislative process to proceed in a timely and orderly fashion.

Let me also be candid from the outset. The agreement that gave life to this resolution has been criticized as smoke and mirrors, as deception, as sleight of hand or even worse.

I disagree strongly with that characterization, but I sympathize with the frustration behind it. Of course, this resolution does not go far enough. We all know that. We all know that neither Senator DOMENICI nor myself have attempted to disguise that fact.

Mr. President, I must say that I do not believe there is a Member of this body who in the splendid seclusion of his or her own office could not imagine, draft, or implement a better budget resolution than the one we are presenting here this evening. Certainly many Members have done that, and on the morning of the next day, after drafting that budget proposal, they usually judge their work to have been good.

But, Mr. President, legislation is not written nor is it passed in splendid isolation. It is the hard-won result of vigorous exchange and sometimes vigorous conflict, and that has certainly been true in this case.

The fact is that no one approaches the fiscal policy of this country without predispositions and some of these predispositions are very deeply ingrained indeed. There are deep, deep divisions in this country regarding budgetary priorities, regarding revenues, regarding entitlements. Virtually every element of the Federal budget is grounds for extended and sometimes endless debate.

We do not need to look any further for proof in the budgetary history of the last 9 years from Kemp-Roth to Gramm-Rudman-Hollings, and beyond to the shifting policies, to the mounting debt, to the continued stalemate that has sometimes literally paralyzed the legislative process itself.

Mr. President, the resolution that we offer today represents the first genuine break with that history of deadlock and confusion. We were able to reach over the multiple disagreements and construct an agreement with the executive branch and the legislative branch, between the majority party and the minority party here in Congress, a balanced agreement that can open a window and a new era of fiscal cooperation, a signal that there is an end to confrontation and paralysis, and a new era of working together to meet the fiscal needs and solve the fiscal problems of this Government.

I say to my colleagues that in light of that possibility we ought to look at this resolution not in terms of what it fails to achieve but in terms of what it does in fact accomplish.

First, let me offer for my colleagues' consideration a brief outline of the specifics of the package. Then I would like to make just a few positive points about what it does.

The basic components of the resolution are these; in the area of deficit re-

duction there are taxes and user fees totaling $8.5 billion. We take defense cuts of $4.2 billion and entitlement savings of $6.8 billion. The postal budgetary treatment saves $1.8 billion and the overall package results in net interest savings of $1.1 billion.

The resolution also includes enforcement provisions to ensure that deficit savings are indeed realized. The spending caps in the major broad areas are as follows—and these spending caps cannot be exceeded—defense comes in at $303.5 billion in budget authority, and $299.2 billion in outlays. Again, outlay savings for defense as measured against the Congressional Budget Office baseline total of $4.2 billion. That disposition of funds enables us to get some of the needed efficiencies while at the same time it preserves a strong force structure, a strong deterrent capability, and allows this country to meet its defense commitments both at home and abroad.

The resolution provides $19 billion in discretionary budget authority for the international function as well as $17 billion in outlays.

This is an allotment sufficient to allow current funding levels for State Department programs, including vital aid for Egypt and for the state of Israel; and funding to implement the recommendation of the International Commission on Central American Recovery and Development. Domestic discretionary spending in the resolution is capped at $157.5 billion in budget authority and $181.3 billion in outlays.

I want to speak at greater length about what we are proposing in domestic programs at a later point. But I would observe here that these domestic numbers that we have provided have room for some of the vital initiatives that President Bush talked about during the 1988 campaign: initiatives in education, in space and science, in housing, in health, antidrug programs, and on and on.

Mr. President, these are the broad outlines of the resolution that we offer today. As I have already said, our approach has been criticized as smoke and mirrors, as an illusion. Some have characterized it as a phantom of the Rose Garden. But I would say to my colleagues in the strongest terms, no one who has been involved in the 40 days and 40 nights of budget negotiations this year has tried to hide the shortcomings of this agreement we have reached. No one, not one soul, has claimed that this resolution puts the deficit controversy to rest.

But what we have said, and what I think is demonstrably true, is that this is the very best agreement we can reach among the various points of view that had to be accommodated, and within the constraints that were imposed upon us from the very beginning; that were imposed on the budget negotiation process itself.

Why do I say this is the best agreement that could be reached under the circumstances? I say it for these reasons: it cost $20 billion in hard money off this deficit and some $28 billion overall. It meets the Gramm-Rudman-Hollings target. It keeps this Government's deficit trending down both in actual dollars and as a percentage of gross national product. And it sends a signal for the financial markets that we are indeed controlling our own financial destiny.

This budget resolution breaks an 8-year pattern of partisan gridlock setting the stage for further I hope more productive bipartisan deficit reduction agreements for fiscal year 1991 and beyond.

I thought the Senate majority leader, the distinguished Senator from Maine [Mr. MITCHELL], said it best when he told the President when we presented this agreement to him at the White House: "Mr. President, perhaps the most significant thing about this agreement is that we have an agreement."

Eight years of partisan gridlock are behind us. This budget resolution avoids a sequester, averting the automatic $26 billion in cuts that would force mandatory defense reductions of 11.2 percent and nondefense discretionary reductions of 9.8 percent, cuts that would be across the board, and irresponsible and unacceptable, as long as there is some alternative out there.

This budget resolution that we bring to our colleagues today spreads the pain fairly and equitably. It spreads it among entitlements, so the Defense budget takes its fair share. And, yes, the third leg of this three-cornered stool is increased revenues. It establishes the principle that everything needs to be on the table during future budget deliberations. Nothing ought to be immune or sacrificed.

The fifth thing this budget resolution does is to free up funding for the vital programs like education, drug enforcement, housing, scientific research, programs that I think Members of both parties appear to agree must be expanded or accelerated, if we are to preserve our standard of living in this country.

Finally, I think this is a very crucial point: This agreement allows us to meet our legislative obligations, to meet our budget deadlines in an orderly fashion. The fact is, if we act quickly, we have the opportunity, Senator DOMENICI and I, working together, to pass a budget resolution ahead of schedule for the first time in this decade.

The Appropriations Committees can then move their bills expeditiously. This body will not have to be tied up with a budget process for the remainder of this year. We will not have to face the endless, all-night sessions or sessions that stretch late into the evening, full of debate and acrimony and recrimination, will not be forced to the painful expedient of government by continuing resolution, which is really government by failure of the appropriations process.

So, Mr. President, I submit that this is a very significant list of achievements. It is a list of achievements that will prepare us for the more difficult decisions that we will all have to make down the road. It is the first manageable step toward the ultimate deficit reduction objective that we all share in this Chamber. That shared objective, in my judgment, is the basis for the 16-to-7 bipartisan majority that this resolution received in the Budget Committee. I am confident it will be the basis of a strong vote for passage here on the Senate floor.

Now, during the next few days, we are going to hear from Senators who will argue that we are perpetuating a deception on the American public; that we are guilty of deception, because we are using the Office of Management and Budget's economic assumptions; that we dramatically and drastically understate the budget deficit. We have heard that repeatedly during the budget markup in committee, and, frankly, I concur to some degree.

But I would point out to my colleagues that the Office of Management and Budget has, in fact, adjusted its interest rate projections upward—though not sufficiently upward in my judgment—and moreover, OMB's growth numbers for the economy appear to be reasonably close to those of the Congressional Budget Office.

But overall, the fact of the matter is that when you peel away the technical differences and the differences involving the appropriate treatment of the bailout for the savings and loans, the OMB economic assumptions and the Congressional Budget Office assumptions diverge on their deficit projections for fiscal year 1990 by only $9 billion. To be sure, that is a substantial amount, but surely not an overwhelmingly amount. On a percentage basis, it is a diversion of less than 7 percent, if my mathematics serve me correctly that I am doing in my head here.

Now, let me put that divergence in perspective to make the point more clearly. If you exclude the treatment of the FSLIC crisis, the package that we present to our colleagues here this evening, using Congressional Budget Office economic assumptions, results in a budget deficit of less than $110 billion. So even using Congressional Budget Office assumptions, we are within the range mandated by the Gramm-Rudman-Hollings law.

Now, another objection that is likely to be raised is that our deficit reduction measures are illusions, either one-time savings or some other legerdemain. Once again, I am in complete agreement that we are not going to bring the deficits down decisively until we take decisive action.

But I would submit that there are hard savings in this resolution. As I have said, we get some 20 billion dollars' worth of significant deficit reduction. We have agreed to $5.3 billion in hard revenues. Frankly, I think that revenue figure is eminently achievable. Many of the revenue measures will become permanent changes in law. Some may have an expiration date, to be sure, but even those can be easily reenacted in the subsequent years.

Now, the resolution includes $2.7 billion in user fees and offsetting collections. We fully expect that those will be achieved by the appropriate committees. Further, the Internal Revenue Service compliance revenues are not one-time savings. In fact, these savings could easily grow in succeeding years, as new IRS agents are added to the force.

The $2.7 billion in Medicare savings are real, and may be reconciled. We have every expectation that the remaining entitlement savings will be achieved through reconciliation or through administrative action, and those include real savings in agriculture, in Federal pensions, and in postal reforms.

Finally, Mr. President, there are real savings in defense, $4.2 billion. And from all indications, the new Secretary of Defense, Mr. Cheney, is working now to achieve the necessary economies, and doing so in my judgment, without eroding our defense capabilities.

So, Mr. President, these are genuine, realistic deficit reduction provisions, that can be accepted and implemented by the relevant committees in both the House and Senate.

In short, they constitute reasonable, achievable deficit reductions.

And that is really what we aim for in our negotiations. That is what we were charged to do by our leadership, to come up with reasonable, achievable deficit reductions that meet the deficit reductions targets for fiscal year 1990, and I submit that has been done.

Does this resolution contain a sweeping tax proposal that will bring in one huge chunk of revenue and set our fiscal house in order in one fell stroke? No, of course, it does not. Everybody knows that.

Does this resolution include a bold effort to revamp the entitlement programs—to put a tax on Social Security or put a cap on the Social Security COLA's or the retirees' COLA's or dramatically and drastically reduce farm price supports? No, it does none of that. We have never represented that it did. That was not in our charge.

Do we contemplate a dramatic gesture such as a sequester budget based on Congressional Budget Office economics in order to shock the body politic with massive cuts in defense and domestic programs? No, we do not, and I would submit if we sought to do so those who would receive the greatest shock would be those in this Chamber who proposed it and supported it.

We have attempted none of those things because none of them are acceptable to the U.S. Senate as presently constituted, nor are they acceptable to the other body, nor are they acceptable to the President of the United States, nor—and perhaps most importantly—are they acceptable to a majority of the American people.

Mr. President, I said during the markup in the Budget Committee that writing a budget for the U.S. Government is the art of the possible. It certainly is not the science of the perfect.

This resolution represents the limit of the possible in this particular budget year. I can state with some degree of certainty, because I have sat through hours and hours and hours of sincere debate between honest and honorable men on virtually every possible approach to the budget problem, that this is the best that we can do at this particular time in our history.

The agreement we reached during these long exchanges provides that we will move forcefully into renewed negotiations after we have passed this budget resolution on time perhaps for the first time in a decade for fiscal year 1990.

I firmly believe that we can build on the foundation that we have set for this year. I am convinced that we can move quickly to a bolder, more decisive approach to fiscal responsibility. But we can only sprint, I say to my colleagues, after we have taken the first firm steps.

Mr. President, we can get the period of paralysis and confrontation behind us by acting to adopt this budget resolution and by acting to adopt it quickly.

Mr. President, I yield now to my distinguished colleague from New Mexico, the ranking member, Senator DOMENICI.

Mr. DOMENICI. Thank you very much, I say to my distinguished chairman.

Mr. President, I yield myself as much time as I might use.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, Mr. President, my congratulations to the distinguished Senator from Tennessee, the chairman of the Budget Committee. We may very well be doing something historic today, and he is the chairman who presides this historic event. We may get a budget resolution passed by both Houses of the U.S. Congress, agreed to by the President and in a form to be implemented by the Congress very near the statutory deadline. I think that deserves a compliment.

Mr. President, I also want to compliment him in his new job because I have been at this for a while. I understand that some people think of the Federal budget as a rather simple thing; just put down a lot of numbers, do some adding and subtracting, and you ought to come up with a bottom line, that ought to say "the deficit." Anyone who seen the evolution of our government from the time when we had one committee do both the authorizing and the appropriating, from the time we had only five or six bureaus of the Federal Government, to the combination of appropriated accounts, entitlements, forward-funded programs and all kinds of various and sundry approaches we have today called the "budgetary process" would understand what a tough job my friend from Tennessee has. So I congratulate him.

Mr. President, I want to make a few early observations about deficits and about this Senator's concern in the past. I want to express why I am supporting this budget resolution today, why I hope it passes and why I hope it gets implemented.

There are some who might say it was not too long ago when the Senator from New Mexico was taking on everybody on the issue of the deficit. He was not interested whether the President was with him or against him. He said, "You are wrong."

I used to come to the floor and talk about the deficit, talk about the black cloud of debt hanging over the people of this country because of what we were spending. I came to the floor regularly and talked about the fact that this deficit would ruin this country. And some might say, "what has happened?"

Well, I will tell you what has happened, Mr. President, and this many people will not like, but we have succeeded, we have succeeded in getting the deficit of the United States of America down substantially in the last 3 years.

Let me tell the President and the Members of the Senate when this Senator's concern about the deficit reached a peak in 1985. We had 5 years presented to us by the President of the United States as required by law, 1985, 1986, 1987, 1988, and 1989, the year we are in right now. At that time, the Congressional Budget Office, the independent agency that serves the Congress looked at what the deficit was likely to be for those years, including 1989. Mr. President, do you know what the Congressional Budget Office projection for the deficit for

the year 1989, the year we are in right now, was—$296 billion.

If you think I was worried about the deficit in those years, indeed, I was. I had a now rather infamous and well-known conversation with my good friend, President Ronald Reagan, because I was about to mark up a budget resolution that reduced defense dramatically. I had already waited 3 months to negotiate with the administration. I was asked by the President not to finish the budget in a little tiny telephone booth outside of the Budget Committee. I said, "No." He repeated his request. I said, "No," respectfully, and perhaps with a little more trepidation than I speak of it here today.

I did that because the defense budget was growing dramatically, not like today when it is coming down rather rapidly. At that time, I said this defense request will not fit.

I am rather pleased—that may shock some people—that the deficit this year is substantially less than that ominous prediction of $300 billion. As a matter of fact, Mr. President, some have criticized this year's deficit, which should have been $146 billion under Gramm-Rudman-Hollings. They suggest that the process is not working and we did not do our job. They do not know the facts. If anyone could have predicted the expenditures of FSLIC this year, then I believe they had to be in tune with the Almighty. Essentially FSLIC is what went wrong with those predictions last fall and, instead of $146 billion, it is higher than that.

But I submit to you that it is down substantially and substantially better than the CBO's prediction 4 years ago.

I want to make another statement, and in the course of the next 2 days I will talk about it more. Frankly, there are many who worry about the programs of this National Government. There are many who speak of compassion solely in terms of the Federal programs that take care of people. I am not one who is known to be adverse to trying to help Americans who cannot make it in this magnificent, capitalistic, free enterprise, achievement-oriented system. But I submit to you and to the Senators here that the most compassionate program of all is sustained economic growth without inflation, sustained productivity increases by the collective efforts of the American people without inflation.

For those who want to come down here during the course of this debate and talk about the fact that people are worse off today after 6½, almost 7 years of economic recovery with low inflation, who want to cite reports to that effect, I urge that they come. I think it will be a very interesting debate, because the truth of the matter is that what picks more people out of poverty in America, what gives more people a chance to participate in the wealth machine of America is sustained economic growth without inflation. It pales compared to its second best Federal program, whatever is is, I assure you.

We are now engaged in a debate about fiscal policy, but I believe the real debate is: How does the United States of America maintain sustained, rapid increases in production without inflation? We have done very well. As a matter of fact, I do not believe we even ought to concede to the economists of today that the business cycle is an inevitability in the American economy. I do not believe it necessarily is.

As a matter of fact, I believe maybe the business cycle—the notion that you can proceed only a few years and then you are going to have a recession—is an American purifying mechanism. We do not look at our policies for growth and productivity. We let the kinds of things we ought to do to make sure that we can grow and prosper go by the boards. Instead, we let a recession purify our failure to take the most positive of our options to increase productivity and growth without inflation.

We are used to saying, "We can do it any old way. We can have any kind of taxes we want." At one point we got up to almost a 90-percent marginal tax on Americans. We got up to a point where corporate taxes were the highest in the world. We still tax dividends twice. We still are not concerned about capital formation. We still have no new labor-management approaches to productivity.

We sit around and say it is all going to work and if it does not, we will have a recession. When we get that big dose of medicine, it puts more people in poverty and it keeps them there longer than anyone can imagine.

As a matter of fact, most statistics that have been bandied around about the ineffectiveness of the past decade at helping poverty have failed to take into account that the recession in the middle of that decade was so deep that we have not even dug the poor people out of that. Instead, we blame the recovery. We go back 2 years before the recovery to select our numbers. We play games.

I said at the outset, point No. 1, it was not too long ago that this deficit was supposed to be $300 billion. Now it is substantially down.

Point No 2, for those who believe this budget now before the Senate is a budget that really spends money, that we are throwing money—the American taxpayers' money—out the window in bushels, I will just give you one quick number.

For the last 20 years, the Government of the United States, on average, year over year, has had its expenditures increased not 1, not 2, not 5, but 8 percent a year.

This budget, for all of those who think it is so terrible, will have the outlays of our Government increase, 1989 over 1990, by 3.7 percent as estimated by CBO. Not bad. As a matter of fact, I would submit, if we could find a way to continue the growth in Government year over year to something like 3.7 percent, we would come very close to balancing the budget. By the time we are finished this debate in the next couple of days, I will show you a few areas in which we do not know how to control the budget, one of which is the cost of health care. But if you could keep the overall growth in spending at about 3.7 percent year over year, you would have this fiscal house in order.

Point No. 3: There are those who somehow or another are absolutely bound and determined that there is something wrong with the American economy. I am not so sure there are so many terrible things wrong with it but there are those who would disagree with me. I sure would like to see prosperity continue: I would like to see the economy grow at about 2½ to 3½ percent a year. I sure would like to see inflation down where it was for another 2½, 3 years. I sure would like to see that.

Is it this kind of prosperity they are talking about? I am not so sure what they are talking about when they say things are all so bad.

But one thing I can tell you, there can be no question that this deficit is coming down and coming down very, very consistently.

Now, there are those who wanted a big budget deal. They are telling us this is just a little deal.

You know, I am intrigued. What would the big deficit deal be? I do not see anybody going to offer one. Perhaps my chairman knows of somebody who has a big proposal. But, you know, when you talk to them, they almost always say, "We need taxes."

Well, I can tell you, anybody that wants to put some taxes, wants $20 billion or $30 billion, in this resolution because you think it will fix the deficit, because they think it will achieve sustained economic growth with low inflation, come on down to the floor. Offer it. You want $10 billion, you want $20 billion, you want $30 billion.

Let me tell you, it is so easy, you do not even have to say what kind. Because this is a budget resolution, I say to the chairman. Just come down here and say, "We really need to fix this deficit. We need $20 billion, $25 billion in taxes and we will let somebody else decide how it should be done."

Nobody is going to do that. Do you know why nobody is going to do that? I do not want it to be misread. I will tell you why it probably will not be done for a long, long time. The reason is that to do anything like that, if it is

ever going to be done, would take Democratic leaders, Republican leaders, and a President.

Would my good chairman, because the Democrats are in the majority; would he like to walk over to the House and find JIM WRIGHT and TOM FOLEY and say, "Why don't we Democrats do that? We are in control of both Houses." Of course, they will not do that, because they need the President's support.

For those who are talking about new taxes and why they really think the American people are undertaxed, we can have this discussion too before we finish.

This is not just political rhetoric, trying to stir up the troops. The truth of the matter is they are not undertaxed, either historically, relatively, or even as compared with our competitors in the new, free industrial world that is growing like dynamite. They have got almost everything we do, except they do some things a little better.

You see the ingredients. You need the President. But, let me tell you, you need something else. You need to tell the American people that, if you are going to have new taxes, the deficit is coming down. Most interesting: People think if you plug a bunch of new taxes in here, the deficit is coming down.

What about the year after next? If you put them in this year, what assurance do you have for the American people that, with the growing entitlement programs, we will not just use up all those taxes?

I see the distinguished occupant of the chair, he did budgets in his State. If when my colleague was Governor, he told his people he needed about $40 million or $50 million in new taxes to balance the budget but he also had some neat little spending scheme that he wanted, $70 million or $80 million in new programs. As a result, he wanted to tax them an additional $40 million to finance these new programs he would not have been very successful, I say to the occupant of the chair. He would not have been successful, because people are not that dumb. So, where is the process that is going to assure that these taxes will do what people think they are going to do: reduce the deficit? Frankly, we don't have one.

Why not? Because most people who are saying we ought to have more taxes are really talking about more programs. That is interesting. Where are we going to get the money to pay for the more programs if we are going to use the increased taxes to reduce the deficit? I assume we are going to use it to pay for the new programs that we need.

So, frankly, you see, it seems to me that the impossible became possible this year. Never in a 13-year history of the budget process, did a President send an OMB Director and a Secretary of the Treasury to Congress, other than immediately after Black Monday. Never did they sit down in a room and negotiate. Never did Democrats and Republicans from both Houses sit down in the same room and negotiate a budget. We did that. My compliments to the chairman, the two Members of the House, the President's team. We did the impossible. We put down an agreement that the President can agree to, that Democrats can agree to, that Republicans can agree to.

I want to say this to all of the prophets of gloom, about how bad this is—to all of those who wish we could have truth in budgeting; to those who believe the CBO [Congressional Budget Office] is more truthful than OMB. For those who are so sure of this, tomorrow we will get them a chart and we will show them truth is not the issue but rather who can estimate the best—who can guess the best. On that basis, both OMB and CBO are about equally bad. Half the time OMB is right. Half the time CBO is right.

But, Mr. President, is it not interesting, after all the talk about this budget resolution, produced in the manner that our chairman has described, after all that chatter, how pleased we are to tell you that under OMB's calculations it is under $100 billion. The arbitrary, yet rather relevent, target of Gramm-Rudman-Hollings, most economists say a rather relevant scheme, $100 billion in fiscal 1990 will be achieved. That is a pretty good fiscal policy, the economist say. Under OMB's economics and estimating, the deficit will be under $100 billion in fiscal 1990.

You would have thought that this budget was the epitome of chicanery to hear some talk. You would have thought that we plucked the most optimistic of everything, so that we could really skin this cat and deceive everyone. Right?

Lo and behold, the great purifier, the CBO, has come along and reestimated this budget. And what are they saying: $109 billion, Mr. Chairman? $109 billion. This is within the realm of rounding. The CBO estimates this budget at $109 billion. Our chairman says 7 percent error. That is one way of looking at it. But in a $1.1 trillion budget, estimating both expenditures and revenues, which we try to do, with at least five economic variables, it is far less than a 7-percent error. It is almost insignificant. I guarantee, over the scope of a budget 10 years or so, if you can get two economists who will end up agreeing on what this budget of the United States will be at the end of a year, and they are $9 billion apart, Mr. President, buy them. Pay for them. Wrap them up in gold. Because that is so close that you cannot expect any better.

So, in the ensuing days we will talk about what we can buy under this agreement; what domestic programs can probably increase. We are not increasing them here. The appropriators will decide. We are talking about how much defense we will get to cut. And, yes, put it on the table. We have some asset sales which will yield deficit reduction, and these savings will not recur.

Some will talk as if that, too, is the end of the world. I do not believe any of these things are the end of any world, in particular an American economic world; so long as we commit ourselves to implementing this budget, engaging ourselves once again in dialog, bipartisan, bicameral, and with the Chief Executive, to take the next step. I submit it is the very best we could do.

Enough? Perhaps not. Could we do better? Indeed, yes. Could we sit 10 people in a room, put everything on the table and do better? Yes.

But I do not think you could do any better if you expect a President, and Democrats and Republicans, to support a fiscal plan for this first year of this administration. We had all the ingredients. We worked at it. This is what we got.

I believe, if implemented, when implemented, it is a very good first step. Nothing more.

Does it resolve the fiscal problems of this Nation? No. For those who are absolutely insistent that there must be a large tax component in reducing this deficit, does it do that? No. It has the President's number. Essentially in round numbers it is about $5 billion in new revenues. He expects it from capital gains. Others expect it from other sources. As in most budget resolutions, we will leave that argument for another day.

However, leadership has agreed and they will try to agree that they will not support revenues unless they all agree.

So, my summary is twofold. I welcome those who would like to come down and criticize. I would like to engage them and talk about it. I welcome those who have something better to offer. I hope they will bring it down here. I will do everything possible, working with the chairman and the Parliamentarian, and use no technical insults to prevent anyone from putting something meaningful on the table. We will help them fix it where it works, where it meets the technical rules, if they have something.

For those who want to reform the entitlement programs of the country, they can come down here and we will even agree to help them doctor up this resolution so they can instruct one of the committees, perhaps Agriculture—maybe somebody thinks Agriculture needs reform. They can put in $5 bil-

lion more in reductions and order the Agriculture Committee to achieve the savings and say that is their problem. Let them reform Agriculture.

If they would like to fix Medicare, we have $2.7 billion in here—maybe there is somebody who thinks we ought to get $10 billion out of it, Mr. Chairman.

There is no prohibition in Gramm-Rudman-Hollings for the coming under the target, is there? There is a penalty only if you go over. They do not need 60 votes, just a simple majority. If they want to cut Medicare $10 billion, we will help them with the language. We will be very accommodating.

For those who want to cut defense more, we will be glad to help with the numbers. We will resist it. We have a very good arrangement now. Defense is by itself, and it cannot be spend for anything else. Foreign aid is by itself and cannot be spent for anything else. And the domestic discretionary likewise. Still we will help them.

I think what we have had is a good working arrangement, especially when you have Democrats, Republicans, Senators, Representatives, and the umbrella of leadership with the President sitting in the middle saying: "Let's do it."

Frankly, this is the start and we would like to keep going. It may stumble in 6 or 8 months. It may not lead on. But I think some of us are hopeful it will. In fact, I think some of us are saying: If you want to get real deficit reduction, if you want to keep it moving, consistent, and timely, without gridlock and chaos, it probably has to have the ingredients that I have just described, working together.

Sometimes, because of the roughness of the political issue, they may have to even speak, as I have sometimes described it, with "simultaneity." This may have to be the test. They may have to speak with one voice at one time so nobody will accuse anyone of speaking first on some of the kinds of spending reform and/or revenues and/or reform of our processes and/or the other kinds of things that might have to be done.

But for now, this is a very good first step, and I look forward to the debate in the ensuing days. Hopefully we will prevail, go to the House and get a budget resolution out early in the budget process and start implementing it.

AMENDMENT NO. 73

(Purpose: To express the sense of the Senate that the Federal excise taxes on gasoline and diesel fuel should not be increased to reduce the Federal deficit)

Mr. DOMENICI. Mr. President, I understand that the distinguished Senator from Idaho [Mr. SYMMS], for himself and others, was to lay down an amendment. He asked if I would do that in his behalf. Since I talked so much longer than I had expected, he had to go elsewhere on business. I would like to send an amendment to the desk on behalf of Senator SYMMS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. SYMMS, Mr. BOND, Mr. HATCH, Mr. HELMS, Mr. MCCONNELL, Mr. WALLOP, Mr. WILSON, and Mr. GRAMM proposes an amendment numbered 73.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the concurrent resolution, add the following new section:

FULL EXCISE TAXES

SEC. . (a) The Senate finds that—

(1) Federal excise taxes are regressive in that a lower income individual must use a higher percentage of his income to pay the taxes than a higher income individual;

(2) adding 10 cents or more per gallon to the cost of fuel will have a devastating effect on the Nation's economy in that such an increase would—

(A) reduce the gross national product by $10 billion in the first year,

(B) reduce automobile production by 1.3 percent,

(C) reduce housing construction by 0.9 percent,

(D) increase unemployment by 80,000 in the first year and 180,000 by the third year,

(E) reduce petroleum refinery output by 1.2 percent,

(F) reduce income tax revenues by almost $1 billion annually,

(G) reduce personal savings by nearly 3 percent, and

(H) increase the Consumer Price Index by 0.3 percent;

(3) it would be discriminatory for one portion of the Nation's population, highway users, to pay an additional tax in order to reduce the Federal deficit, thereby forcing this segment to shoulder a greater share of our Nation's financial burden;

(4) it would be inequitable for individuals to contribute to Federal deficit reduction based on the number of miles driven per year;

(5) Federal highway and public transit programs are funded at levels significantly lower than documented needs requiring States to provide funds to fill that shortfall;

(6) an increase in the Federal tax on gasoline and diesel fuel—

(A) inhibits the ability of State and local governments to raise revenues to fund transportation projects, and

(B) reduces the revenues for State and local government fuel taxes unless State and local governments increase their taxes; and

(7) total motor fuel taxes (including State and local taxes) account for nearly 25 percent of the retail price of gasoline and about 29 percent of the retail price of diesel fuel making motor fuel among the most heavily taxed essential items in the Nation.

(b) It is the sense of the Senate that the assumptions underlying the revenue totals included in this resolution do not include an increase in Federal excise taxes on gasoline and diesel fuel.

Mr. DOMENICI. I yield the floor.

Mr. SASSER. Mr. President, the pending business is the amendment of the Senator from Idaho, but I ask unanimous consent that the Senator from Wisconsin be allowed to speak for a time not to exceed 5 minutes.

The PRESIDING OFFICER. The Senator has the right to yield time on the concurrent resolution.

Mr. SASSER. I will yield the Senator from Wisconsin 5 minutes on the concurrent resolution.

The PRESIDING OFFICER. The Senator form Wisconsin.

Mr. KOHL. Mr. President, I come here for just a few minutes tonight to inform my colleagues that I will be submitting a motion to recommit the budget to our conferees sometime later on this week. But I do not come here to discuss that tonight; I come here primarily because I want to pay my respects and express my admiration for the experience, the intelligence, the skill and perseverence of those people who have negotiated this bipartisan agreement on both sides of the aisle in Congress. Particularly I refer to Senator SASSER, Senator DOMENICI, and our leader, Senator MITCHELL, who have worked so hard to fashion this compromise.

In no way is my motion to recommit a reflection on anything else but my feelings for them and my respect for them. I think that we can do a lot better, and that is why I am going to submit this motion. I think that our negotiators perhaps did not recognize the depth of the feeling in Congress with respect to real deficit reduction in contrast to the kind of reduction that I think we are submitting to ourselves for confirmation which, in my judgment, is considerably less than budget deficit reduction of any consequence. I think that we are going to find, I hope that they will find that the kind of support that they perhaps did not know existed does exist in the Senate and I hope in the House so that they can meet for 3 days, which is all this motion to recommit constitutes, a 3-day interim for our conference to negotiate with the administration and come up with significant deficit reductions.

That is the purpose of my motion but, again, I express my greatest admiration. I would like to state as a measure of my concern and my interest in this entire matter, at this very moment the team I own, the Milwaukee Bucks, are playing the Atlanta Hawks, and I would like to be watching them on television of listening on the radio, but I am here to express my admiration for you and my concern. With that, I bid you good night and look forward to seeing you tomorrow.

Mr. SASSER. Mr. President, I thank the Senator from Wisconsin for his kind and generous comments. There is going to be much discussion over the next few days on this budget resolution, and we look forward to hearing the observations of the Senator from Wisconsin on the concurrrent resolution that is presently before us. I am confident that our distinguished friend may be able to offer us some suggestions about how we can meet these targets that we have to meet and hopefully meet them in a fair and equitable way.

Senator DOMENICI and I wrestled with this matter, as I said, 40 days and 40 nights. This is the best work product that we could come up with. I know that there are good minds in this body. Perhaps it can be improved.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say to my good friend I am most appreciative of his genuine concern and his high hopes. Frankly, I do not think he ought to take any more time away from that ball game. Clearly, we are going to have plenty of time in the next few days to debate and discuss his approach to this. I look foward to it. I hope that we will be able to have a good, thorough discussion.

I am sorry, from what I known of it, that I cannot tell him tonight that I support him because I truly do not believe we can negotiate any better budget. Nonetheless, we look forward to his approach and what he has in mind. We appreciate very much his kind words this evening.

Mr. SASSER. Mr. President I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 36

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I am pleased to transmit herewith the 23rd Annual Report of the National Endowment for the Humanities covering the year 1988.

GEORGE BUSH.

THE WHITE HOUSE, *May 2, 1989.*

ANNUAL REPORT OF THE FEDERAL COUNCIL ON THE AGING—MESSAGE FROM THE PRESIDENT—PM 37

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1988 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

GEORGE BUSH.

THE WHITE HOUSE, *May 2, 1989.*

TRIENNIAL REPORT ON IMMIGRATION 1989—MESSAGE FROM THE PRESIDENT—PM 38

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Judiciary:

To the Congress of the United States:

In accordance with section 401 of Public Law 99-603, the Immigration Reform and Control Act of 1986, I hereby transmit the first Comprehensive Triennial Report on Immigration, 1989.

GEORGE BUSH.

THE WHITE HOUSE, *May 2, 1989.*

MESSAGES FROM THE HOUSE

At 5:52 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 62. Joint resolution designating May 1989 as "National Stroke Awareness Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports and documents, which were referred as indicated:

EC-961. A communication from the Comptroller of the Department of Defense transmitting, pursuant to law, a contract award report for the period May 1, 1989, to June 30, 1989; to the Committee on Armed Services.

EC-962. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a study of cost-effectiveness of certain functions at Los Angeles Air Force Base, California; to the Committee on Armed Services.

EC-963. A communication from the Secretary of Defense transmitting, pursuant to law, the National Defense Stockpile Requirements Report for 1989; to the Committee on Armed Services.

EC-964. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, the report on the adequacy of pay and allowances of the Armed Forces; to the Committee on Armed Services.

EC-965. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, notification of the intent to study the conversion to contract performance of a commercial activity being performed by Department of Defense employees; to the Committee on Armed Services.

EC-966. A communication from the Secretary of Transportation, transmitting pursuant to law, the fourteenth Annual Report of Activities relating to the Deepwater Port Act of 1974 for fiscal year October 1, 1987 through September 30, 1988; pursuant to 33 U.S. Code, Section 1502, referred jointly to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC-967. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1990 and 1991 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC-968. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Institute of Standards and Technology for fiscal years 1990, 1991, and 1992, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-969. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to transfer administration of bridges and causeways over navigable waters from the Secretary of Transportation to the Secretary of the Army, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-970. A communication from the Secretary of Transportation transmitting, pursuant to law, the Annual Report of Accomplishments under the Airport Improvement Program; to the Committee on Commerce, Science, and Transportation.

EC-971. A communication from the Deputy Associate Director for Collection and disbursements of the United States Department of the Interior transmitting, pur-

suant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-972. A communication from the Secretary of the Interior transmitting a draft of proposed legislation to authorize the Secretary of the Interior to construct, operate, and maintain a water treatment plant for the purpose of treating water discharged from the Leadville Mine Drainage Tunnel near Leadville, Colorado, in order to meet water quality standards, and to authorize the funding of such construction, and for other purposes; to the Committee on Energy and Natural Resources.

EC-973. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service Department of the Interior, transmitting, pursuant to law, a report of the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-974. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-975. A communication from the Acting General Counsel of the Department of Energy, transmitting a draft of proposed legislation to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1990 and 1991, and for other purposes; to the Committee on Energy and Natural Resources.

EC-976. A communication from the Secretary of the Interior and Secretary of Commerce, transmitting jointly, pursuant to law, the seventh annual report on activities with respect to the Emergency Striped Bass Research study covering 1987; to the Committee on Environment and Public Works.

EC-977. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the medical assistance progams under title XIX of the Social Security Act to increase coverage for pregnant women and infants and for childhood immunizations, and for other purposes; to the Committee on Finance.

EC-978. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notice of a delay in the submission of a legislative proposal to refine the Medicare Prospective Payment System; to the Committee on Finance.

EC-979. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to April 13, 1989; to the Committee on Foreign Relations.

EC-980. A communication from the President of the African Development Foundation, transmitting a draft of proposed legislation to extend the authority of the African Development Foundation, and for other purposes; to the Committee on Foreign Relations.

EC-981. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the status of loans and contracts of guaranty or insurance to which there remains unpaid obligation or potential liability; to the Committee on Foreign Relations.

EC-982. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on the status of secondment within the United Nations by the Soviet Union and Soviet-bloc member-nations; to the Committee on Foreign Relations.

EC-983. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a draft of proposed legislation to authorize a multi-year program of economic assistance for the Philippines; to the Committee on Foreign Relations.

EC-984. A communication from the General Counsel of the Department of the Treasury transmitting draft legislation to provide for a United States contribution to the Interest Subsidy Account of the Enhanced Structural Adjustment Facility of the International Monetary Fund; to the Committee on Foreign Relations.

EC-985. A communication from the Comptroller General of the United States transmitting, pursuant to law, the Annual Report of the U.S. General Accounting Office for the fiscal year ending September 30, 1988; to the Committee on Governmental Affairs.

EC-986. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of D.C. Act 8-17 adopted by the Council on 4-4-89; to the Committee on Governmental Affairs.

EC-987. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Fiscal Year 1988 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC-988. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Annual Audit of the Boxing and Wrestling Commission for Fiscal Year 1988"; to the Committee on Governmental Affairs.

EC-989. A communication from the Director of the Administrative Office of the United States Courts, transmitting a draft of proposed legislation to restore lost compensation of justices and judges of the United States; to the Committee on Governmental Affairs.

EC-990. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the tenth annual report of the Board covering fiscal year 1988; to the Committee on Governmental Affairs.

EC-991. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the final report and executive summary of a recently completed evaluation study funded by the Office of Human Development Services, Administration for Native Americans; to the Select Committee on Indian Affairs.

EC-992. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on applications and extensions of orders approving electronic surveillance; to the Committee on the Judiciary.

EC-993. A communication from the Assistant Attorney General of the United States, transmitting, pursuant to law, the annual report of the Department of Justice under the Freedom of Information Act for fiscal year 1988; to the Committee on the Judiciary.

EC-994. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Services for Deaf-Blind Children and Youth; to the Committee on Labor and Human Resources.

EC-995. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priority under the Educational Media Research, Production, Distribution and Training Governmental Subsidization for the Manufacture and Distribution of a Line 21 Decoder; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-70. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on Appropriations.

"SENATE CONCURRENT RESOLUTION NO. 4018

"Whereas, Indian tribes within North Dakota rely exclusively on federal funding for health care services on Indian reservations; and

"Whereas, federal budget reductions in the area of Indian health care have resulted in inadequate health care facilities and a reduction in the number of health care professionals on Indian reservations; and

"Whereas, Indians have been forced to seek health care on a contract basis at inpatient and outpatient facilities located off the reservations; and

"Whereas, the difficulties experienced by the Indian tribes in obtaining accessible health care and the health and general well-being of the Indian people are of great concern to all citizens of North Dakota, both Indians and non-Indians; Now, therefore, be it

"Resolved by the Senate of North Dakota, the House of Representatives concurring therein, That the Fifty-first Legislative Assembly urges the Congress of the United States to increase appropriations for Indian health care, including mental health and educational services, to assure adequate health care services to Indian tribes and to benefit the nonfederal health care providers in this state through the continued provision of contract services off the Indian reservations; and be it further

"Resolved, That Indian people be consulted and involved in the process of improving Indian health care services; and be it further

"Resolved, That copies of this resolution be forwarded by the Secretary of State to the President of the United States Senate, Speaker of the United States House of Representatives, and each member of the North Dakota Congressional Delegation."

POM-71. A resolution adopted by the Twentieth Guam Legislature; to the Committee on Energy and Natural Resources.

"RESOLUTION NO. 36

"Whereas, every year more than two thousand children in the United States tragically die from abuse or neglect, it being estimated that as many as one in ten children suffer from these criminal acts, which appalling numbers are most alarming in their implications for the victims and for the stability of the American family unit; and

"Whereas, since growing awareness of child abuse can lead to more effective identification and a greater number of reported cases, and since the Navy Family Service Center, Child Protective Services and other social and judicial agencies can help children and families who have been identified,

April of 1989 has been designated "Child Abuse Prevention Month," with a Fair to be put on by the Guam Association for the Education of Young Children at the Micronesian Mall on April 8th and 9th, and a Child Abuse Prevention Conference on April 29th at the Adelup complex; now, therefore, be it

Resolved, That the Committee on Rules of the Twentieth Guam Legislatue does hereby on behalf of the people of Guam commend the Navy Family Service Center Guam, the U.S. Naval Communications Area Master Station WESTPAC, and the Child Protective Services and other concerned social service agencies for their collective emphasis on mutual community support and on increasing public awareness of child abuse through the Child Abuse Prevention month and its programs, including the Prayer Breakfast on April 4, 1989, as well as other community awareness projects planned throughout the month; and be it further

"Resolved, That the Speaker and the Chairperson of the Committee on Rules certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Rear Admiral T.J. Johnson, Commander, Naval Forces Marianas; to Ms. Marilyn Wingfield, Director of Mental Health and Substance Abuse; to Dr. Leticia V. Espaldon, Director of Public Health and Social Services; to Adolfo Sgamberlluri, Acting Chief of Police; to Presiding Judge Alberto Lamorena, Superior Court of Guam; to Judget Benjamin Cruz, Family Court; to Ms. Anita Sukola, Director of Education; and to the Govenor of Guam."

POM-72. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION No. 4062

"Whereas, large scale rehabilitation, repair, and capacity improvements are ongoing necessities of the national highway transportation system; and

"Whereas, the highway transportation system is the most critical component of the physical infrastructure of the United States; and

"Whereas, there is a growing and concentrated national consensus for a program to serve the country's highway transportation needs through the year 2020; and

"Whereas, high quality highways are critical to the ability of manufacturers to build and deliver products, and to the ability of states and communities to attract new industry and to sustain economic growth; and

"Whereas, the international trade competitive positions of the nation and of the states are directly related to the quality of access to the interstate highway system and related to the physical condition of interstate and primary highways; and

"Whereas, current national policy makes no provision for continuing the federal aid highway program into the future; and

"Whereas, in all recent federal aid highway acts, Congress has had to include provisions for extending the highway trust fund and the taxes that fund it; Now, therefore, be it

"Resolved by the Senate of North Dakota, the House of Representatives concurring therein, That the Fifty-first Legislative Assembly urges the Congress of the United States to make permanent the highway trust fund and the user fees accruing to it, so that a reliable funding source is available for constructing, rehabilitating, and otherwise improving the highways and bridges that are so essential to the economic vigor of North Dakota and of the nation; and be it further

"Resolved, That the Fifty-first Legislative Assembly urges the Congress of the United States to protect the highway trust fund from predatory proposals to divert highway user revenues to programs entirely unrelated to the transportation purposes for which the fund was established; and be it further

"Resolved, That copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the chairmen of the National Economic Commission, and to each member of the North Dakota Congressional Delegation."

POM-73. A resolution adopted by the Commission of Hancock County, West Virginia, favoring an extension of the steel Voluntary Restraint Arrangements (VRA's) for an additional five years; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WILSON (for himself and Mr. DECONCINI):

S. 878. A bill to grant a Federal charter to the Michael Jackson International Research Institute; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S. 879. A bill to amend title XIX of the Social Security Act to prohibit States, as a condition of medicaid funding, from discriminating in its medical reciprocity standards (other than years of accredited graduate medical education) against foreign medical graduates; to the Committee on Finance.

By Mr. MCCONNELL:

S. 880. A bill to amend the Child Nutrition Act of 1966 to require the Secretary of Agriculture to provide startup funds to State educational agencies for distribution to schools to establish or expand school breakfast programs to require the Secretary to collect and disseminate certain information concerning the school breakfast program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 881. A bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresdential day care services is considered an institution under the child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 882. A bill to amend the National School Lunch Act to make private nonprofit organizations eligible to participate in the summer food service program for children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN:

S. 883. A bill for the relief of Christy Carl Hallien of Arlington, TX; to the Committee on Armed Services.

By Mr. THURMOND:

S. 884. A bill to temporarily suspend the duty on Paramine Acid; to the Committee on Finance.

S. 885. A bill to temporarily suspend the duty on Trimethyl Base; to the Committee on Finance.

S. 886. A bill to temporarily suspend the duty on dimethyl succinyl succinate; to the Committee on Finance.

S. 887. A bill to temporarily suspend the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 888. A bill to temporarily suspend the duty on pentachlorothiophenol; to the Committee on Finance.

S. 889. A bill to temporarily suspend the duty on Anthraquinone; to the Committee on Finance.

By Mr. GORTON:

S. 890. A bill to authorize a certificate of documentation for the vessel HMS *Discovery;* to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 891. A bill to provide for the modernization of testing of consumer products which contain hazardous or toxic substances; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 892. A bill to exclude Agent Orange settlement payments from countable income and resources under Federal means-tested programs; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. GRASSLEY, and Mr. SIMON):

S. 893. A bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. HEINZ, Mr. MOYNIHAN, Mr. DOLE, Mr. RIEGLE, Mr. ARMSTRONG, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. KASTEN, Mr. SPECTER, Mr. CRANSTON, Mr. KENNEDY, Mr. REID, Mr. CONRAD, Mr. FOWLER, Mr. MURKOWSKI, Mr. WIRTH, and Mr. PELL):

S. 894. A bill to amend the Internal Revenue Code of 1986 to allow amounts paid for home improvements to mitigate radon gas exposure to qualify for deduction for medical expenses; to the Committee on Finance.

By Mr. BOREN:

S. 895. A bill to extend disaster assistance to losses due to adverse weather conditions in 1988 or 1989 for those crops planted in 1988 for harvest in 1989; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 896. A bill to amend the Public Health Service Act to aid in the planning, development, establishment, and ongoing support of Pediatric AIDS Resource Centers, to provide for coordinated health care, social sevices, research, and other services targeted to HIV infected individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DECONCINI:

S. 897. A bill to grant employees parental leave under certain circumstances and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (by request):

S. 898. A bill to amend title 38, United States Code, to revise the provisions relating to refinancing loans and manufactured housing loans to veterans to modify the procedures for the sale of loans by the Secretary of Veterans' Affairs, and for other pur-

poses; to the Committee on Veterans' Affairs.

S. 899. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans' Affairs to establish and conduct, for five years, a leave sharing program for medical emergencies for employees of the Department of Veterans' Affairs who are subject to section 4108 of title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mr. CRANSTON):

S. 900. A bill to amend title 38, United States Code, to extend for one year the authorization of the Veterans' Administration to furnish respite care to certain chronically ill veterans and the due date for a report on the results of furnishing such care; to the Committee on Veterans' Affairs.

By Mr. THURMOND (for himself, Mr. PRYOR, Mr. HOLLINGS, Mr. HELMS, Mr. KASTEN, and Mr. GORE):

S.J. Res. 114. Joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself, Mr. SHELBY, Mr. DECONCINI, Mr. MATSUNAGA, Mr. MITCHELL, Ms. MIKULSKI, Mr. PRESSLER, Mr. CONRAD, Mr. BUMPERS, Mr. GLENN, Mr. HEINZ, Mr. SANFORD, Mr. WIRTH, Mr. BURDICK, Mr. JOHNSTON, Mr. RIEGLE, Mr. DIXON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. THURMOND, Mrs. KASSEBAUM, Mr. WARNER, Mr. GRAHAM, Mr. PELL, Mr. ADAMS, Mr. SASSER, Mr. CRANSTON, and Mr. DOLE):

S.J. Res. 115. Joint resolution to designate the period commencing on September 9 and ending on September 15, 1989, as "National Nursing Home Residents' Rights Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. BRYAN, Mr. DASCHLE, Mr. BOREN, Mr. ROCKEFELLER, Mr. EXON, Mr. LIEBERMAN, Mr. BRADLEY, Mr. PRESSLER, Mr. PELL, Mr. DODD, Mr. FOWLER, Mr. LEVIN, Mr. REID, Mr. BAUCUS, Mr. INOUYE, Mr. MITCHELL, Mr. SASSER, Mr. BURDICK, Mr. HOLLINGS, Mr. METZENBAUM, Mr. KENNEDY, Mr. DECONCINI, Mr. CONRAD, Mr. MATSUNAGA, Mr. LEAHY, Mr. WIRTH, Mr. KOHL, Ms. MIKULSKI, Mr. GLENN, Mr. BENTSEN, Mr. GRAHAM, Mr. DIXON, Mr. SARBANES, Mr. WILSON, Mr. GORTON, Mr. DOLE, Mr. GRAMM, Mr. COCHRAN, Mr. COHEN, Mr. CHAFEE, Mr. WARNER, Mr. ROTH, Mr. COATS, Mr. PACKWOOD, Mr. D'AMATO, Mr. SIMPSON, Mr. GARN, Mr. BOSCHWITZ, Mr. HEINZ, Mr. DURENBERGER, Mr. SPECTER, Mr. MURKOWSKI, and Mr. JEFFORDS):

S. Res. 116. Resolution commemorating the 50th Anniversary of the United States Jewish Appeal; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 117. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in United States ex rel. Newsham, et al. v. Lockheed Missiles and Space Company, Inc.; considered and agreed to.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. Con. Res. 31. Concurrent resolution expressing the sense of the Congress that Buffalo, NY, should host the 1993 summer World University Games; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILSON (for himself and Mr. DECONCINI):

S. 878. A bill to grant a Federal charter to the Michael Jackson International Research Institute; to the Committee on the Judiciary.

FEDERAL CHARTER FOR THE MICHAEL JACKSON INTERNATIONAL RESEARCH INSTITUTE

Mr. WILSON. Mr. President, today I rise with my good friend from Arizona, Senator DECONCINI, to reintroduce legislation which was offered in the 100th Congress to grant a Federal charter to the Child Help USA Michael Jackson International Research Institute.

For the benefit of my colleagues, ChildHelp, USA, Inc., founded by Sara O'Meara and Yvonne Fedderson of California, has become one of the most respected and active institutions in our efforts to combat child abuse in the United States and abroad. Due to the tireless efforts of ChildHelp, we have moved ever closer to our goal to rid ourselves of this scourge.

Mr. President, we can and must do more.

Our Nation, born with the ideal of equal opportunity, should strive to ensure that no one is barred from reaching the full limits of their skills and abilities. We cannot abide the crippling of the most vulnerable among us—our children—before they reach an age when they can grasp the opportunities this Nation offers.

Last year, 1,584,700 cases of child abuse were reported. Sadly, this figure represents only a fraction of the number of cases which occurred. It is estimated that nearly three times as many child abuse cases went unreported.

Perhaps most disheartening is that studies show that children who are abused often grow up to abuse their own children, perpetuating a never ending pattern of behavior.

As a nation, we must do all possible to ease the pain and suffering of those who have been abused and to alert all Americans to this scourge so that we might prevent future tragedies.

Yet, at the national level, with the exception of a small center located at the National Institutes of Health acting primarily as a referral service, there is no comprehensive child abuse education and research program. That is, until ChildHelp USA developed and established the Michael Jackson International Research Institute.

The ChildHelp USA Michael Jackson International Research Institute represents an integrated system of those engaged in research on the subject of child abuse coupled with counseling practitioners in locations throughout the United States, and eventually abroad. The institute is fully funded through private contributions, and its mission is carried out by a centrally located staff with appropriate data collection capabilities.

Mr. President, the legislation I am introducing with Senator DECONCINI will lend congressional support to ChildHelp's effort by providing the institute a Federal charter. The standards for a Federal charter are understandably strict. In the history of the Nation only 50 nonprofit organizations have been awarded charters. I believe that my colleagues will agree that this institute meets those high standards.

Without question, the work of the Michael Jackson International Research Institute will help us understand and treat both the causes and the symptoms of child abuse. In so doing, a giant step toward improving the quality of life for our most precious of resources—our children—will be taken.

Mr. President, I urge my colleagues to support the institute's efforts by cosponsoring the legislation I am introducing with Senator DECONCINI today.

By Mr. LIEBERMAN:

S. 879. A bill to amend title XIX of the Social Security Act to prohibit States, as a condition of Medicaid funding, from discriminating in its medical reciprocity standards—other than years of accredited graduate medical education—against foreign medical graduates; to the Committee on Finance.

FAIR PHYSICIAN RECIPROCITY STANDARDS ACT

Mr. LIEBERMAN. Mr. President, doctors educated at medical schools outside of the United States constitute approximately 20 percent of the physicians in the United States, they make up 20 percent of the faculty at American medical schools and have made significant contributions to the American health care system. Five foreign medical graduates have won Nobel Prizes in the name of the United States.

Despite their significant contributions to the medical community and the rigorous process they must go through in order to be allowed to practice medicine in the United States, discriminatory requirements are often imposed upon foreign medical graduates when they attempt to relocate from the State in which they were originally licensed. The legislation I am introducing today, the Fair Physi-

cian Reciprocity Standards Act, would prohibit unwarranted discrimination against licensed physicians based upon where they attended medical school.

In order to be permitted to practice medicine in this country, graduates of foreign medical schools must be certified by the Educational Commission on Foreign Medical Graduates. Applicants must document their medical education, pass the foreign medical graduate examination in the medical sciences and pass an English proficiency exam. This certification allows them to apply for a graduate medical education program. Upon completion of the required number of years of graduate education, the foreign medical graduate must take the federation licensing examination. If the physician passes this exam then he or she is granted a license to practice medicine in this country.

The legislation I introduce today does not alter this initial licensing procedure; it merely attempts to ensure that those physicians who successfully complete this process are not discriminated against when they relocate from the State in which they were originally certified. The legislation does allow States to require more years of graduate medical education for foreign medical graduates than for graduates of American medical schools. This differentiation is justified because it allows the State's medical authorities to review the work of physicians who attended schools with which they may not be familiar. In areas other than years of graduate education, however, States would be required to apply the same criteria to all physicians who have been licensed in another State regardless of where they went to medical school.

On occasion States impose unnecessary requirements on foreign medical graduates which are not imposed on those who graduated from American medical schools. In one instance a doctor who was the head of obstetric anesthesiology at an Alabama hospital was offered a position at a hospital in Louisiana. Since she had not attended an American medical school, her medical school in Bombay was required to complete a 40-page questionnaire which included questions about the number of books in the medical school's library. The school in Bombay did not complete the questionnaire in time. The doctor lost the opportunity to move to the hospital in Louisiana and the hospital in Louisiana was unable to hire the doctor it had chosen.

This doctor had already been licensed to practice medicine in this country, yet she was not able to move her practice from State to State with the same ease as those licensed doctors who attended an American medical school.

The Fair Physician Reciprocity Act is a simple piece of legislation. It would leave individual States free to establish whatever criteria they wished for licensing physicians, but with the exception of the number of years of graduate education required would not allow States to have different criteria for the graduates of foreign medical schools than for the graduates of American medical schools. I hope my colleagues will join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Physician Reciprocity Standards Act of 1989".

SEC. 2. CONDITION FOR MEDICAID FUNDING.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (48),

(B) by striking the period at the end of paragraph (49) and inserting "; and", and

(C) by inserting after paragraph (49) the following new paragraph:

"(50) meet the requirement of subsection (q) (relating to not discriminating against foreign medical graduates in medical reciprocity standards.)"; and

(2) by adding at the end the following new subsection:

"(q)(1) Except as provided in paragraph (2), in order for a State plan to meet the requirement of this subsection the State may not discriminate in its medical reciprocity standards against foreign medical graduates (as defined in paragraph (3)(A)).

"(2) In its medical reciprocity standards, a State may require a licensed physician who is a foreign medical graduate to have a greater number of years of accredited graduate medical education than a licensed physician who is not a foreign medical graduate, but only if the number of years of such accredited graduate medical education required of a foreign medical graduate does not exceed 3 years.

"(3) In this subsection:

"(A) The term 'foreign medical graduate' means a licensed physician who qualified for a licensure as a licensed physician by virtue of graduation from a medical school located outside the United States (as defined in section 1101(a)(2) for purposes of this title).

"(B) The term 'licensed physician' means an individual who has successfully passed a medical licensure examination (and is duly licensed) as a physician in one of the 50 States, the District of Columbia, the Virgin Islands, or Guam.

"(C) The term 'medical reciprocity standard' means a standard for the issuance of a license as a physician to an individual who already is a licensed physician.".

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) applies (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after the first day of the first calendar quarter that begins more than 1 year after the date of enactment of this Act, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

By Mr. McCONNELL

S. 880. A bill to amend the Child Nutrition Act of 1966 to require the Secretary of Agriculture to provide start-up funds to State educational agencies for distribution to schools to establish or expand school breakfast programs, to require the Secretary to collect and disseminate certain information concerning the school breakfast program, and other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 881. A bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 882. A bill to amend the National School Lunch Act to make private nonprofit organizations eligible to participate in the summer food service program for children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CHILD NUTRITION LEGISLATION

Mr. McCONNELL. Mr. President, we have no greater responsibility than ensuring the health and well-being of our Nation's children. Meeting this responsibility is for me the most rewarding and inspirational part of public service. That is why I take great pleasure today in introducing legislation which will benefit millions of children nationwide, by providing them with nutritious meals. The bills I am introducing today will enhance and expand the National School Breakfast Program, the Child Care Food Program, and the Summer Food Program.

Whereas 99 percent of public school children have access to the school lunch program, only one-third of children living in poverty have access to the School Breakfast Program. Clearly, there is room to expand the breakfast program to reach more of these needy young students. My bill would

provide $5 million to state educational agencies as startup funds for schools not currently paticipating in the school breakfast program. Further, it directs the Secretary of Agriculture to establish regional information clearinghouses to collect and disseminate information regarding the program, to help State agencies set up and promote school breakfasts in their States.

The second bill I am introducing today helps needy children and child care centers by changing the eligibility criteria for participation in the child care food program. Presently, participation is based on the number of title XX funded slots in a center. This discriminates against many States, particularly in the south, where there is a shortage of title XX funds available for child care. To better serve needy children, my bill bases eligibility for child care food benefits on the number of children who qualify for free or reduced prices meals under the National School Lunch Act.

For many children, the final bell of the school year signals the beginning of a long, hot, hungry summer. For them, the meals they eat at school are their main source of nutrition. When the cafeteria closes along with the school for summer vacation, these children are all too often left to go hungry for 3 months.

The Summer Food Program is meant to fill that gap. However, the program is handicapped in its ability to serve needy children because the law currently excludes private, nonprofit organizations from participating as program sponsors. My bill would simply allow these organizations to provide meals to children under the Summer Food Program. I believe that those community action groups, churches, and others who would like to help the program serve needy children, should be permitted to do so.

These three bills do not seek to reinvent the wheel, but simply to enable it to roll a little better. Through enactment of these bills, more needy children will benefit from our child nutrition programs. The connection between sound nutrition and strong learning ability has been proven over and over. Even the very best education progams we can devise will have little effect if the children can hear only the growling in their stomachs.

Mr. President, I would like to take this opportunity to commend Linda Locke for her work as the Director of Public Policy For Community Coordinated Child Care which is based in Louisville, KY. Ms. Locke has been a tireless advocate for children, and I am greatly appreciative of her role in bringing their needs to my attention. Community coordinated child care was one of the first to support the change in eligibility for the child care food program which I outlined earlier as one of the bills I am introducing today. With her help, and with the help of my colleagues, I hope we can move quickly to provide the basic necessity of adequate nourishment to our Nation's schoolchildren.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SCHOOL BREAKFAST PROGRAM START-UP FUNDS AND INFORMATION.

(a) IN GENERAL.—Section 4(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(f)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Of the sums appropriated for each fiscal year to carry out this section, $5,000,000 shall be available to the Secretary for the purpose of providing funds to States for distribution to schools to establish and expand school breakfast programs.

"(B) The Secretary shall allocate among the States during each fiscal year the funds available under this paragraph. Such allocation shall be based on the ratio of the number of children enrolled in schools in each State who are members of families that satisfy the income standards for free and reduced-price school meals established under section 9 of the National School Lunch Act (42 U.S.C. 1758) to the number of such children in all States.

"(C) To be eligible to obtain funds under this paragraph, a State educational agency shall—

"(i) submit to the Secretary a plan to expand school breakfast programs conducted in the State, including a description of the manner in which the agency intends to provide technical assistance and funding to schools in the State to expand such programs; and

"(ii) receive the approval of the Secretary for the plan.

"(D) Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this paragraph.

"(3) The Secretary shall collect, and disseminate through regional offices of the Department of Agriculture, information concerning the availability, eligibility requirements, application procedures, and benefits of the school breakfast program.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1989.

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF PRIVATE NONRESIDENTIAL DAY CARE ORGANIZATIONS UNDER THE CHILD CARE FOOD PROGRAM.

(a) IN GENERAL.—The second sentence of section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended by striking out "for which" and all that follows through "services)" and inserting in lieu thereof "if at least 25 percent of the individuals served by such organization are eligible for free or reduced price lunches under section 9".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1989.

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) ELIGIBLE SERVICE INSTITUTIONS.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761 (a)(1)) is amended—

(1) in subparagraph (B), by inserting ", private nonprofit organizations," after "Sports Program,";

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by striking out "and" at the end of subparagraph (D); and

(4) by inserting after subparagraph (D) the following new subparagraph: "(E) 'private nonprofit organizations' means only such organizations (not including private nonprofit school food authorities or summer camps) that (i) serve not more than 5,000 children per day, (ii) operate at not more than 10 sites, and (iii) use self-preparation facilities to prepare meals or obtain meals from a public facility (such as a school district, public hospital, or State university); and".

(b) ELIGIBLE PRIVATE NONPROFIT ORGANIZATIONS.—Section 13 of such Act is amended by inserting after subsection (h) the following new subsection:

"(i) In addition to the requirements of subsection (a)(3), eligible private nonprofit organizations (excluding summer camps and private nonprofit school food authorities) entitled to participate in the programs as service institution shall be limited to those that—

"(1) operate in areas where a school food authority or the local, municipal, or county government has not indicated by March 1 of any year that such authority or unit of local government will operate a program under this section in such year;

"(2) exercise full control and authority over the operation of the programs at all sites under their sponsorship;

"(3) provide ongoing year-round activities for children;

"(4) demonstrate adequate management and fiscal capacity to operate a program under this section; and

"(5) meet applicable State and local health, safety, and sanitation standards.".

(c) CONFORMING AMENDMENT.—Section 13(a) of such Act is amended by striking out paragraph (7).

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1989.

By Mr. THURMOND:

S. 884. A bill to temporarily suspend the duty on paramine acid; to the Committee on Finance.

S. 885. A bill to temporarily suspend the duty on trimethyl base; to the Committee on Finance.

S. 886. A bill to temporarily suspend the duty on dimethyl succinyl succinate; to the Committee on Finance.

S. 887. A bill to temporarily suspend the duty on resolin red F3Bs compo-

nents I and II; to the Committee on Finance.

S. 888. A bill to temporarily suspend the duty on pentachlorothiophenol; to the Committee on Finance.

S. 889. A bill to temporarily suspend the duty on anthraquinone; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN CHEMICALS USED IN MANUFACTURING

Mr. THURMOND. Mr. President, I rise today to introduce six bills which suspend the duties imposed on certain chemicals used in the textile, paper, and automotive industries. Currently, these chemicals are imported for use in the United States because there is no domestic supplier or no readily available domestic substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would temporarily suspend the duty on 1,4-diaminobenzene-2-sulfonic acid—paramine acid—which is a chemical used in the manufacture of a bright greenish-yellow dye for paper. This dye is unique in the field of paper dyeing and cannot be replaced with other competing chemical dyes.

The second bill would temporarily suspend the duty on 2,3-dihydro-1,3,3-triemethyl-2-methylene-1H-indole—trimethyl base—which is used in making dyes for coloring acrylic fibers. These dyes are very important to the domestic textile industry and to major fiber producers in the United States.

The third bill would suspend the duty on dimethyl scuccinyl succinate [DMSS]. DMSS is combined with other chemicals to create red pigments for paints. These pigments are extremely important to the automotive industry and to their paint suppliers.

The fourth bill would temporarily suspend the duties on N[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino)phenyl]-methanesulfonamide and N-[2-[(2,6-dicyano-4-methylphenyl)azo]- 5-(di-1-propylamino)phenyl]-methanesulfonamide (resolin red F3BS components I and II). Both of these components are combined and dispersed to form a red dye used in coloring polyester fiber.

The fifth bill would temporarily suspend the duty on pentachlorothiophenol (pentachlorobenzenethiol) which is used by manufacturers of rubber-based products, such as automobile tires, to break up the natural rubber into small particles in the molding and vulcanizing process.

The sixth and last bill would temporarily suspend the duty on 9,10-anthracenedione (anthraquinone) which is used as a pulping aid in the manufacture of paper. Use of this chemical permits higher capacity which is critical for the U.S. paper industry, due to the extremely high operating levels over the past several years. Additional benefits of using anthraquinone in producing pulp include high pulp yields which reduces tree consumption, and reduction of the use of other pulping chemicals which reduces the potential air and water emission load.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the cost of manufacturing the end-use products, and will allow domestic producers to maintain or improve their ability to compete internationally. I hope that the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the RECORD immediatley following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARAMINE ACID.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	1,4-Diaminobenzene-2-sulfonic acid (provided for in subheading 2921.59.50).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRIMETHYL BASE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	2,3-Dihydro-1,3,3-trimethyl-2-methylene-1H-indole (provided for in subheading 2933.90.39).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIMETHYL SUCCINYL SUCCINATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	Dimethyl succinyl succinate (provided for in subheading 2917.19.40).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESOLIN RED F3BS COMPONENTS I AND II.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.02	N-[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino)phenyl]-methanesulfonamide and N-[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(di-1-propylamino)phenyl]-methanesulfonamide (provided for in subheading 3204.11.20).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENTACHLOROTHIOPHENOL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	Pentachlorothiophenol (provided for in subheading 2930.90.20).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANTHRAQUINONE.

Subchapter II of chapter 99 of Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.07	Anthraquinone (provided for in subheading 2914.61.00)	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. GORTON:

S. 890. A bill to authorize a certificate of documentation for the vessel H.M.S. *Discovery*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF THE VESSEL H.M.S. "DISCOVERY"

Mr. GORTON. Mr. President, I am introducing a bill today to authorize issuance of a certificate of documentation for the vessel H.M.S. *Discovery* so that the vessel may be used for an environmental and seamenship education program in Puget Sound.

Section 27 of the Merchant Marine Act of 1920, commonly known as the Jones Act, coupled with the Coast Guard vessel documentation provisions of title 46 of the United States Code, require that vessels engaged in the domestic and coastwise trade be built and documented in the United States.

The H.M.S. *Discovery* is a 25-foot open sailing/rowing reconstruction of a boat used by the British explorer Capt. George Vancouver during his voyage in 1792 when he charted the waters of Puget Sound. The vessel was built in 1987 by a man who specializes in historical reconstruction. The reason this legislation is needed is that the vessel was built on Galiano Island, British Columbia, Canada, the home of the reconstruction specialist.

The vessel is owned by a nonprofit educational organization, Pure Sound, headquartered in Washington State. They would like to use the vessel as part of a multipurpose curriculum including sailing instruction, past history of Puget Sound and issues that are relevant to the Sound today such as aquatic life and pollution.

The need for this legislation was caused by inaccurate legal advice furnished to Pure Sound. Unfortunately, the nonprofit organization was advised that a very small vessel of this type did not have to be built in the United States to comply with Jones Act requirements. This bill provides the requisite legislative waiver, and I look forward to its adoption.

Mr. President, I request unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for the vesssel H.M.S. *Discovery,* Washington State registration No. WAZ 9816 F.

By Mr. REID:

S. 891. A bill to provide for the modernization of testing of consumer products which contain hazardous or toxic substances; to the Committee on Commerce, Science, and Transportation.

CONSUMER PRODUCTS SAFE TESTING ACT

Mr. REID. Mr. President, the Alaskan oilspill is fraught with tragedies. The death of sea otters, birds, and other animals inhabiting Prince William Sound is one of many disasters we encounter as the black oil mass works its way through the waters. The plight of these animals has generated widespread reactions of distress and disbelief.

Let us move now to a very different environment—a controlled, sterile, science laboratory, a place where all is warm and clean and to some safe.

That is safe to all, except the animals that reside within the labs—within their cages.

These animals are subjected to experiments that inflict horrible pain and anxiety. They ultimately die or are killed. They are allegedly sacrificed in the name of product safety. It is all for the good of human progress, we are told.

Such explanations are no longer valid.

Many brutal animal testing methods are now useless and inconclusive, according to numerous scientists and Federal agencies.

Today, I am introducing the Consumer Products Safe Testing Act. This legislation is designed to encourage innovation and accuracy in product testing.

My bill enables companies to search for more humane, effective testing methods.

The bill specifically addresses the Draize Eye Irritancy Test and the Lethal Dose-50 Test, known as LD-50.

In the Draize test, high concentrations of suspected irritants are squirted into the eyes of rabbits. The eye drops contain products ranging from pesticides to cosmetics to even septic tank cleaners. The reaction of the rabbits, whose eyes are much more sensitive than those of humans, is too gruesome to describe.

Suffice it to say that the rabbits endure excruciating pain. Their screams yes, screams, attest to it. How else could we expect these animals to react to what is commonly called the "rabbit blinding test"?

At the end of the experiment, the rabbits are killed. By that time, though, the act of murder is almost merciful.

Draize test alternatives have been developed by the private sector, but the Federal Government has provided no direction on whether industry can bypass the standard required animal test data.

Avon Corp. recently validated a Draize test alternative which does not use animals. The company no longer uses the Draize test.

The Revlon Corp. funded a research unit at Rockefeller University that is devoted to seeking Draize test alternatives.

These private sector efforts are supported by many of our Nation's universities, including the Johns Hopkins Center for Alternatives to Animal Testing.

Research activity is also directed toward replacing the widely used LD-50 test. In this test, substances such as oven and household cleaners are forcefed to up to 100 animals until 50 of them die. That is where the name comes from—Lethal Dose-50. A hundred are given the substance and they wait until 50 die.

My bill will ban Federal agencies from accepting LD-50 test results.

The effect that such a ban would have on scientific progress and product safety is minimal at best.

A recent survey by the Food and Drug Administration shows that use of the LD-50 test has declined by 96 percent since the late 1970's.

In 1984, the Chairman of the Medical Research Modernization Committee called the LD-50 test an anachronism. It is now 5 years later. We are still using this test, this anachronism.

What has changed? Everything has changed—except the regulatory process dictated by the Federal Government.

The Dial Corp., a major soap and detergent manufacturer, announced last month the closing of its animal testing facility. Dial will test all product ingredients in tissue culture cells. Dial is to be congratulated.

The Body Shop, a retailer of cosmetics, advertises it uses no animals in producing its products. They are to be congratulated.

Regulators now state that there are reliable alternatives to the Draize test and that the LD-50 test lacks validity.

But the written regulations have not changed. Industry believes that existing guidelines make it essential for them to submit animal test data as a prerequisite for market approval and as protection in product liability suits.

As long as the written word is unchanged, companies will forego the research necessary to create more effective tests.

My bill calls upon Federal agencies to review their regulations regarding the Draize and LD-50 tests and, if nonanimal alternatives exist, to substitute those alternatives.

Certainly this legislation looks toward a more humane means of product testing. But animal welfare is inextricably linked to human welfare. Scientific evidence indicates problems with the accuracy of both the Draize and LD-50 test. It is not fair to the consumer to continue the use of such tests, especially if viable alternatives exist.

I urge my colleagues to support this legislation and bring needed flexibility to the Federal regulatory process. Without Federal guidance to the contrary, companies conducting the Draize and LD-50 tests will stick to the tried and true. But the tests have proven to be less than true. When it comes to product safety, we cannot afford half-truths.

By Mr. MOYNIHAN:

S. 892. A bill to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs; to the Committee on Finance.

AGENT ORANGE PAYMENT EQUITY ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to prevent disabled veterans and their survivors from losing Federal public assistance benefits if they are recipients of settlement payments in the litigation against the manufacturers of agent orange.

Under a distribution plan approved by a Federal district court in Brooklyn, totally disabled Vietnam Veterans who were exposed to the highly toxic herbicide agent orange began receiving payments in March from the settlement of a suit against the chemical's makers.

Under the settlement agreement, the chemical companies agreed to pay $180 million to settle all claims while admitting no liability for any injuries or deaths caused by the use of agent orange. To receive payments, a veteran must be totally disabled, must show exposure to agent orange in Vietnam, and show that the disability was not caused by another injury. Payments will also be made to the families of veterans whose deaths are linked to agent orange.

Mr. President, based on court estimates, an eligible veteran will receive an average disability settlement of about $5,700 over the 6 year distribution period, or about $950 per year. An eligible survivor will receive an average death payment of about $1,800. Of the 250,000 veterans who have filed preliminary claims, about 40,000 to 60,000 may be eligible for payments.

Some payments to survivors of deceased eligible veterans are now in the mail. Payments to those veterans totally disabled by this chemical are soon to follow. Without a change in the law, these settlement payments will be counted as income for purposes of determining eligibility for and benefit amounts under Federal programs such as supplemental security income, AFDC, and food stamps. My bill would change the law so that disabled veterans and their family members who receive Federal assistance benefits would not lose their benefits or have them reduced by reason of receiving these very modest agent orange settlement payments.

We ought not abide veterans having to choose between the assistance payments to which they are entitled and the pitiful compensation they will be granted for their agent orange exposure. To read the law so literally is to read it without compassion or equity.

Mr. President, it seems to me but a small gesture for the Nation to make on behalf of some of the most vulnerable among our honorable Vietnam veterans. The Senate agreed to this provision last year as part of S. 2011, but it did not ultimately become law. This legislation should receive the Senate's immediate attention. Otherwise veterans who have sacrificed much or all will lose the help they or their survivors are now most deservedly receiving.

By Mr. LAUTENBERG (for himself, Mr. GRASSLEY, and Mr. SIMON):

S. 893. A bill to establish certain categories of Soviet and vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees; to the Committee on the Judiciary.

PRESUMPTIONS FOR REFUGEE STATUS

● Mr. LAUTENBERG. Mr. President, I rise to introduce a bill to temporarily reinstate the longstanding presumption that Soviet Jews, Evangelical Christians, and certain Vietnamese have a well-founded fear of persecution entitling them to refugee status. I am joined by Senator GRASSLEY and Senator SIMON as original cosponsors. A similar bill has been introduced by Representatives MORRISON and FISH, chairman and ranking minority member of the House Judiciary's Subcommittee on Immigration.

This bill is endorsed and supported by the U.S. Catholic Conference, the Lutheran Immigration and Refugee Service, the Hebrew Immigrant Aid Society, the American Jewish Committee, and the Council of Jewish Federations, and I ask unanimous consent that their statements of support be included in the RECORD following my remarks.

Specifically, for fiscal years 1989, 1990, and 1991, this bill establishes that Soviet Jews, Evangelical Christians, and Vietnamese registered with the United States Orderly Departure Program who currently hold a United States letter of introduction—ODP Vietnamese—are members of groups for whom persecution, or fear of persecution, if alleged, will be presumed. Once a refugee applicant establishes that he or she is a member of one of these groups, and alleges persecution or fear of persecution to the interviewing INS officer, he does not have to provide additional or independent evidence regarding persecution.

This bill does not establish an irrebuttable presumption of refugee status, since the INS officer can use evidence other than from the applicant himself to disquality the applicant as a refugee. Nor does this bill eliminate or interfere with the requirement for case-by-case determinations of refugee status under the Refugee Act of 1980. In essence, this bill simply establishes a strong but rebuttable presumption that applicants in the designated groups have a legitimate fear of persecution that entitles them to refugee status.

The bill further allows Soviet Jews, Evangelical Christians, and specified Vietnamese admitted to the United States under parole after being denied refugee status from August 1988 through September 30, 1989, to be retroactively adjusted to refugee status.

Why is this bill necessary? Because after years of considering members of these groups to automatically qualify as refugees, the Immigration and Naturalization Service [INS] recently departed from its longstanding practice of presuming these groups have a well-founded fear of persecution. As a result, large numbers of applicants from these groups have been denied refugee status despite a lack of meaningful change in the conditions facing them in their native countries. Many of these refugees are now stranded, either in their home countries or in transit, with no place to go. Many have taken great risks to simply apply to come to the United States.

Moreover, the determinations under the new INS standard have been found by the General Accounting Office [GAO] to be inconsistent and arbitrary. Often, they are made by INS officers with scant knowledge of the pervasive persecution facing Soviet refugee applicants in their native country. Similar determinations have been made by private groups with respect to the Vietnamese refugee applicants. I ask unanimous consent that a copy of the GAO report be included in the RECORD following my remarks.

Until the fall of 1988, all Soviet Jews were assumed to have a well-founded fear of persecution, automatically qualifying them for refugee status. During the fall of 1988, the United States began denying the refugee ap-

plications of some Soviet Jews on the grounds that they did not have a well-founded fear of persecution.

While the rate of denial for all of 1988 was 7 percent, the rate has risen dramatically to 37.8 percent for the first 3 weeks of March. As of March 20, 1,476 people have been denied. Although 70 percent of the denials have been overturned on appeal, those who have been denied on final appeal are citizenless people, waiting on refugee row in Ladispoli, Italy. Today, 114 citizenless people wait without hope, after living in fear and suffering, and persecution and prejudice simply for being Jews.

Similarly, in 1988, 1,500 Pentecostals and other Evangelical Christians, including Baptists were denied refugee status, although the INS had never denied them such status previously. And, in the Vietnamese Orderly Departure Program [ODP], which had a historic rejection rate of under 10 percent of those applying, there has been a sudden and drastic increase in rejections of refugee status since January. In March, the rejection rate reached 80 percent.

Have conditions facing Soviet Jews, Pentecostals, Baptists, or Vietnamese changed so dramatically as to warrant these new and historically unprecedented denial rates? Emphatically not.

Athough we have heard much about President Gorbachev's glasnost, these changes have yet to take root in the lives of most Soviet Jews. None of the reforms publicized to the world's media have been legalized or institutonalized. If President Gorbachev fails, these reforms can fail with him.

For instance, the Semyon Mikhoels Jewish Cutural Center in Moscow is now open. But virtually no Jewish programs are held in this rarely used center run by the Soviet Government. Even the Mezuzah put up by Elie Wiesel at the much-publicized dedication was removed once the media spotlight ceased to shine on it. This building is a hollow shell, perhaps indicative of the true state of Jewish cultural freedom in the Soviet Union.

The Soviets point to the recently established school where Jews can learn their history and religion. However, it remains without the legal school status required by Soviet law to prevent those studying there from being classified as parasites of society, a crime in the Soviet Union.

Jews still do not have the opportunity to advance and achieve in the Soviet educational system and work force based on their merit and ability. No Jew could have run in the recent open elections.

Nor has glasnost eradicated anti-Semitism and political persecution of Jews in the Soviet Union. In fact, it has opened the door for traditional Soviet anti-Semitism to burst forth in such anti-Semitic organizations as Pamyat. Anti-Semitism is flourishing under glasnost, and the need of Soviet Jews refugees to emigrate has become even more pronounced.

The suggestion that glasnost has brought fundamental improvements to the situation of Pentecostals and other Christian minorities in the Soviet Union is also erroneous. Pentecostals and other Evangelical Christians like Baptists have faced harsh persecution in the Soviet Union for generations because of their religious beliefs, and that persecution continues today. Pentecostals, part of the conservative evangelical wing of Protestantism, have sought to emigrate since 1963 because of unrelenting persecution and discrimination by Soviet authorities and a strong desire to live their lives in obedience to Biblical principles.

Pentecostals refuse to register their congregations with the state because they believe the conditions for registration directly contradict the Bible and their religious beliefs. To accept legal status through registration with the Soviet Union, they must accept a ban on the religious education and participation in church life of children and youth, and on evangelism, two key tenets of Pentecostal doctrine. Organized charitable activities are forbidden, and each sermon must be submitted for censorship before it is preached. The name of every member must be on file with the local authorities.

Currently, more than half the Pentecostal congregations refuse to comply with conditions of registration. Such refusal has consigned the denomination, estimated at 800,000, to a long history of persecution. Pentecostals and other unregistered Baptists have always represented a high percentage of those sentenced to prison, mental hospitals, labor camps and internal exile for religious reasons.

Today, amidst President Gorbachev's glasnost, religious services continue to be disrupted and participants fined. The KGB continues to approach individuals to bully them into becoming informers within their congregations. Children of Pentecostals continue to be removed from their parents' homes and placed in state orphanages where they will be raised as atheists. Children of Pentecostals are taunted by schoolmates and insulted by teachers. Sometimes they are expelled for professing their religious beliefs.

Similarly, there are strong reasons why Vietnamese who hold letters of introduction in the Orderly Departure Program [ODP] are entitled to a presumption, absent evidence to the contrary, that they are refugees.

The United States has been taking Vietnamese out of Saigon under the ODP Program since 1981. It only accepts for admission under this program close relatives of United States citizens, former political prisoners, former employees of American firms in Vietnam, and those with close ties to the United States, such as South Vietnamese Government officials. Only people with family ties to the United States and no close ties or family in other countries are accepted into the ODP Program.

When a case fits United States criteria, our Embassy sends letters of introduction from the United States Embassy in Bangkok to the Vietnamese citizen inviting them to apply for admission to the United States. To be granted an interview with the INS, the applicant must first be given an exit visa by the Vietnamese Government.

To obtain exit visas, some Vietnamese have paid extensive bribes, lost their jobs and their housing, and many have survived on remittances provided by stateside families. Almost all applicants for the ODP Program have waited for years to emigrate, and many applied to leave on the basis of U.S. letters of introduction. They have responded to our encouragement and relied on our assurances, to their great detriment.

They were rejected for refugee status despite the fact that interviews took place in Vietnamese-controlled facilities using Government-provided interpreters. If rejected as refugees and forced to stay in Vietnam, or leave by the laborious and delayed process of humanitarian parole, they are likely to suffer adverse consequences for their attempt to leave for the United States. Many will likely take to unseaworthy boats departing clandestinely, risking the open sea, the threats of pirates, and the likelihood of being pushed back to sea, should they find land.

These refugees are of special concern to the United States because we have repeatedly told the Vietnamese Government and the Vietnamese-American community that we would continue to accept family reunification cases as refugees. Since registering with the ODP Program, they have thrown their lot in with the United States by asking to come here. Their close family members were admitted as refugees, and they come from groups whom the United States in the past determined to suffer persecution in Vietnam.

What accounts for the sudden increase in rejections in groups that historically have been accepted without question as refugees? It depends who you ask.

The INS contends that the increase in denials is merely the result of a more uniform application of the immigration laws that always applied to most refugees to Soviet Jews and others. GAO believes it's a problem with the way INS is now interviewing

applicants under the so-called new and more uniform application of the immigration laws.

GAO visited Rome and Moscow to review the process by which INS officers were interviewing potential Soviet refugees. GAO found that the results of the interviews were inconsistent. Who was determined to be a refugee depended not on the merits of the individual applying, but on the particular officer interviewing the applicant. Specifically, GAO found that whether someone received refugee status depended on the INS officers' level of knowledge of conditions in the Soviet Union, how long the interview was, and whether the INS officer asked openended or specific questions. GAO's conclusions were reinforced by the fact that 50 percent of those whose applications were initially denied were granted refugee status after an appeal.

Similarly, World Relief, the international humanitarian assistance arm of the National Association of Evangelicals [NAE] in January sent a seven member legal task force to Rome in response to the denial of the first 170 Pentecostals ever denied refugee status. The task force found that virtually all the denials were the result of the INS's misapplication of the refugee standard as well as major inconsistencies in the adjudication process. Inconsistencies included interviews that lasted only 10 minutes, including 5 minutes of those for translation. They also resulted from varying levels of knowledge of country conditions, inadequate training of INS officers, and a tremendous volume of workload.

The administration has offered humanitarian parole and new immigrant visas as a solution to this problem. However, this is not a solution. First, to be eligible for parole, an applicant must obtain an affidavit of support from an American pledging financial support. Once parole is granted, the individual has the right to work, but cannot receive the travel, resettlement, and medical benefits provided to those with refugee status. Further, those with parole status are unable to adjust their status to that of permanent resident unless they qualify under another provision of the Immigration and Naturalization Act, while refugees are ultimately eligible for permanent residence in the United States.

The new immigrant in the national interest category can convert to citizenship eventually in the same way as refugees. However, it is still unclear what medical benefits such immigrants can be eligible for. Even more important, this sends the wrong foreign policy message to the Soviet Union. In essence, it says that 30,000 Soviet Jews and Evangelical Christians a year face no legitimate fear of persecution in the Soviet Union, and that conditions there are fine for these groups.

Mr. President, since conditions for the historically persecuted groups in this bill have not improved, nor has the INS shown an ability to fairly interview refugee applicants from these groups, this bill is desperately needed as an interim measure.

Until the INS shows an ability to implement its new standards of case-by-case determinations in a fair and equitable manner, Congress must step in to remedy the inequities that are being caused by this new policy. I urge my colleagues to pass this bill quickly, and ask that a copy of the bill, the article mentioned earlier, and other supporting material be inserted in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CATEGORIES OF NATIONALS OF THE SOVIET UNION AND NATIONALS OF VIETNAM PRESUMED SUBJECT TO PERSECUTION.

(a) PRESUMPTION OF PERSECUTION FOR ALIENS WITHIN CATEGORIES.—Any alien who is within a category established under subsection (b), and alleges that the alien is the subject of persecution (as defined in subsection (e)) shall be treated, for purposes of admission as a refugee under section 207 of the Immigration and Nationality Act, as subject to persecution without the need to provide independent or additional evidence regarding persecution.

(b) ESTABLISHMENT OF CATEGORIES.—(1) For purposes of section 207 of the Immigration and Nationality Act, the Attorney General, in consultation with the Secretary of State and the Coordinator for Refugee Affairs, shall establish one or more categories of aliens who are or were nationals and residents of the Soviet Union and Vietnam and who share common characteristics that identify them as targets of persecution in the Soviet Union or Vietnam.

(2) Aliens who are (or were) nationals and residents of the Soviet Union and who are Jews or Evangelical Christians, or who are (or were) nationals and residents of Vietnam and are registered with the U.S. Orderly Departure Program and who currently hold a U.S. Letter of Introduction shall be deemed a category of alien established under paragraph (1).

(c) PERIOD OF APPLICATION.—This section shall only apply to admissions of refugees under section 207 of the Immigration and Nationality Act during the period beginning on the date of the enactment of this Act and ending on September 30, 1991.

(d) TREATMENT OF CERTAIN ALIENS.—The Attorney General shall provide an opportunity for aliens described in subsection (b)(2) who, during the period beginning on August 15, 1988, and ending on the date of the enactment of this Act, sought, but were denied, refugee status, to reapply for such status, taking into account the application of this section.

(e) PERSECUTION, DEFINED.—In this section, the term "persecution" refers, with respect to an alien, to persecution of the alien, or a well-founded fear of persecution of the alien, on account of race, religion, nationality, membership in a particular social group, or political opinion.

(f) Notwithstanding the above, the President, in consultation with Congress, may designate such other groups as he or she deems appropriate to be covered by section (B)(1).

SEC. 2. ADJUSTMENTS OF STATUS FOR CERTAIN SOVIET AND VIETNAMESE PAROLEES.

(a) IN GENERAL.—(1) The Attorney General shall provide for the adjustment of status of an alien who (A) was a national of the Soviet Union and is also a Soviet Jew or Evangelical Christian, (B) was registered with the U.S. Orderly Departure Program and held a Letter of Introduction issued by the U.S. government, (C) was inspected and granted parole into the United States after being found ineligible for refugee status during the period beginning on August 15, 1988 and ending on September 30, 1989, and (D) is physically present in the United States, to the status of a refugee admitted under section 207 of the Immigration and Nationality Act, if the alien makes an application for such adjustment and if the alien (except as otherwise provided in paragraph (2)) is admissible as an immigrant under the Immigration and Nationality Act. Upon the approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission as a refugee as of the date of the alien's inspection and parole.

(2) Section 207(c)(3) of the Immigration and Nationality Act shall apply to adjustment of status under paragraph (1) in the same manner as it applies to aliens seeking admission to the United States under section 207(c) of such Act.

(b) NO CHANGE IN REFUGEE ADMISSIONS.—Adjustments of status effected under this section shall not result in any decrease or otherwise affect the number of aliens who may be admitted as refugees under section 207 of the Immigration and Nationality Act for any fiscal year.

[Statement from the United States Catholic Conference Migration and Refugee Service, Apr. 18, 1989]

IN SUPPORT OF SENATOR LAUTENBERG AND CONGRESSMAN MORRISON'S LEGISLATION TO ASSIST THOSE SEEKING REFUGEE ADMISSION TO THE UNITED STATES

We are here to support efforts by Senator Lautenberg and Congressman Morrison to right a wrong and to say that the people of the United States continue to support a generous and fair refugee admission program that aids those who historically have been victims of persecution and injustice and which seeks to reunite families who have been painfully punished by long separations because of the continuing violations of internationally recognized human rights by countries like the Soviet Union, Vietnam, Laos and Cambodia.

The United States Catholic Conference, like other religious groups, has been deeply concerned at the dramatic increase in denials of refugee status to groups of Soviet and Vietnamese refugees who traditionally have been of great humanitarian concern to the United States.

Certainly the spirit and letter of the Refugee Act of 1980 in no way requires that Soviet Jews, Pentecostals, Ukranian Catholics or Vietnamese, Laotian Hilltribes, or Cambodians with close associations with the United States should be denied the opportunity to enter our country as refugees.

Recently new procedures and criteria in refugee processing have resulted in the denial of refugee status to Soviet Jews and other groups who had long experienced persecution in their homelands because of their religious beliefs, racial background, political views and associations. We are particularly concerned at the tragic impact these denials of refugee status have had on families who have been separated for many years from their loved ones and whose hope for reunification rested on the admission of their loved ones as refugees.

In Vietnam as in the Soviet Union, the Administration is now requiring refugee applicants to demonstrate their refugee bona fides and to detail persecution, even though after leaving the interview they must return to their homes and lives in these societies which restrict fundamental rights and liberties for many more months. Vietnamese refugee applicants in Ho Chi Minh City are interviewed in a Vietnamese government building, with the use of Vietnamese government interpreters, knowing that even if their refugee application is approved it will be six months to a year before they will be able to leave Vietnam.

In Vietnam, refugee applicants have been waiting patiently, in some cases for eight years or more, for an opportunity to be interviewed by the US in the Orderly Departure Program. They have received a letter of introduction from the United States Embassy in Bangkok indicating that they are eligible to apply for admission under the Orderly Departure Program. But now, these same applicants who have been tirelessly seeking the permission of the Vietnamese government to leave their country, many of whom have been denied the opportunity to support their families or send their children to school because of their political views and their association with the United States, now these same applicants are being denied refugee status. They are offered admission under humanitarian parole, if their families and sponsors in the United States are able to fully provide for their financial needs. Unfortunately, some of these families cannot afford to pay the full transportation and resettlement costs of their loved ones who for so many years have been seeking to leave Vietnam.

We commend Senator Lautenberg and Congressman Morrison for their willingness to undertake this legislative effort to assist the victims of religious and political persecution. We are concerned that the October 1990 sunset of the legislation may be too brief a period for this legislation. We pledge to work diligently with them and others to restore American refugee policy to the more humane standards and practices which prevailed, particularly since 1983, in implementing the Refugee Act of 1980.

PRESS STATEMENT BY LUTHERAN IMMIGRATION AND REFUGEE SERVICE REGARDING THE LEGISLATION INTRODUCED BY SENATOR LAUTENBERG AND CONGRESSMAN MORRISON

Luthern Immigration and Refugee Service supports the efforts of Senator Lautenburg and Congressman Morrison to set the record straight and say that the United States is not suffering from "compassion fatigue." We continue to support a generous and fair refugee program, especially for those populations that have been victims of a well established pattern and practice of persecution in their home countries. These groups, such as Soviet Jews and Pentecostals, Vietnamese processed under the Orderly Departure Program, and others, have been traditionally of great humanitarian concern to the United States.

Lutheran Immigration and Refugee Service is deeply disturbed at recent trends in the admission of refugees to the U.S. The success of our foreign policy on the issue of human rights vis-a-vis the Soviet Union, especially on the right to emigrate freely, is now threatened by a failure of U.S. refugee policy to respond adequately to the growing number of Soviet Jews and Pentecostals who are taking advantage of this window of opportunity to leave their homeland. We are deeply concerned at the dramatic increase in denial rates for Soviet Jewish and Pentecostal refugee applicants, which has reached as high as 37% in Rome and Vienna, and 70% in Moscow. Most disturbing is the fact that this apparent arbitrary change in refugee adjudication procedures has not been a result of objective evidence of significant changes in Soviet attitudes towards religious minorities inside the Soviet Union. Futhermore, the United States has made a clear prior commitment to these populations, and we should not now change our response to them, especially if there has been no changes in their conditions.

Equally alarming is the sudden and drastic increase in rejections of refugee applicants in the Orderly Departure Program in Vietnam. The rejection rates in March reached an astonishing 80%. These persons, when rejected, will be forced to stay in Vietnam or at minimum have to leave by the laborious and delaying process of humanitarian parole. Of more serious consequences, many may take to unseaworthy boats, risking the open sea, threats of pirates and the likelihood of being pushed back to sea, should they find land. Refugee applicants in the Orderly Departure Program are interviewed in a Vietnamese government facility, using interpreters supplied by the Vietnamese government. And now they are required to detail facts about persecution by the Vietnamese government, and convince the U.S. Immigration and Naturalization Service that they are "true" refugees. Furthermore, persons applying in the Orderly Departure Program have waited for years for a chance to leave Vietnam; many have applied to leave based on an implicit, if not explicit, invitation by the U.S. Embassy in Bangkok in the form of a Letter of Introduction (LOI's). The United States cannot afford this ill-advised arbitrary change in policy; it is not deserving of our nation's proud reputation and heritage as an international advocate of human rights and refugee protection.

We are especially concerned about these developments in the Orderly Departure Program, in light of the recent delicate international negotiations leading to an International Refugee Conference on Southeast Asian refugees in Geneva this coming summer. These negotiations have produced a new set of assumptions regarding the preservation and reestablishment of first asylum for refugees in the Southeast Asian region. A cornerstone of this plan is the commitment by the U.S. to an expanded Orderly Departure Program of direct departures from Vietnam. The recent reversal of longstanding U.S. policy vis-a-vis in-country refugee processing in Vietnam contradicts these international negotiations, and, in our view, may threaten to unravel other very important aspects of those agreements.

Clearly both the letter and the spirit of the 1980 Refugee Act, which brought the U.S. into the world community on the issues of defining refugee status, in no way requires the U.S. Immigration and Naturalization Service to overlook factual evidence that establishes that specific categories or groups of persons from a given country are specific targets of persecution by totalitarian regimes. Soviet Jews, Pentecostals, Vietnamese in the Orderly Department Program, and other refugee applicants who have had long associations with the United States, should not be arbitrarily denied admission to the U.S. under the guise of a supposedly "fair and equitable world-wide standard," as interpreted by the INS. Lutheran Immigration and Refugee Service believes that the Administration could have resolved this crisis within the context of current law. However, it is clear from the public record that it has chosen not to do so. We therefore support the efforts of Senator Lautenberg and Congressman Morrison to correct these new policies, and put the U.S. refugee program back on track again.

STATEMENT BY THE AMERICAN JEWISH COMMITTEE, THE HEBREW IMMIGRANT AID SOCIETY, AND THE COUNCIL OF JEWISH FEDERATIONS, APRIL 19, 1989

The American Jewish Committee, the Hebrew Immigrant Aid Society, and the Council of Jewish Federations applaud the introduction of Representative Morrison and Senator Lautenberg's bills on the status of Soviet Jewish refugees.

The exit of Jews from the Soviet Union is a triumph of American diplomacy and human rights advocacy, one which our country has achieved, united by their firm belief that the USSR was engaged in a campaign of spirtual genocide against its two million Jewish citizens. The current easing of immigration restrictions is a true victory for U.S. foreign policy and must be celebrated by removing all obstacles to admission to the U.S. for Soviet Jews wishing to resettle here.

However, just as the gates of the Soviet Union appear to be opening, an unprecedented number of Soviet Jews are being refused refugee status. In the last month, refugee refusal rates reached close to 40%, a figure that denies the reality of the persecution from which this population has fled, the trepidation that Soviet Jews continue to feel about their well-being in a country that has proven inhospitable to Jews for at least a century, and the continued fear that Soviet Jews feel for their future and the future of their children. This denial rate is incomprehensible to us because it represents a misapplication of the Refugee Act as interpreted by the U.S. Supreme Court in *INS* vs. *Cardoza-Fonseca*. It violates as well the U.S.'s proud tradition of welcoming refugees fleeing persecution and seeking freedom

Both the Morrison and Lautenberg bills would grant a presumption of refugee status to Soviet Jews, assuring them that their plight in the Soviet Union would be recognized, and that they would be admitted to the U.S. In doing so, these bills realize the finest traditions in support of justice and welcoming refugees to our shores.

Laudably, the bills also recognize the well-founded fear of persecution of Soviet Christian Evangelicals and South East Asians enrolled in the Orderly Departure Program who have a history of persecution and similary expectations of admission to the United States as refugees. While we fully support the thrust of the bills, we firmly believe that 1990 is an insufficient window of opportunity in which to fulfill the promises we

have made. We therefore urge that the period covered by the bills be extended to September 30, 1991.

Tonight marks the beginning of the holiday of Passover. Each year, Jews around the world commemorate the flight from persecution from ancient Egypt. The central schemes of this holiday are freedom and redemption. We believe that in offering their legislation, Representative Morrison and Senator Lautenberg have made this ancient quest relevant to today's world, to a modern-day Exodus. We thank them for their efforts on behalf of Soviet Jews and urge the support of others for this worthy legislation.

SUMMARY OF STATEMENT BY NANCY R. KINGSBURY, DIRECTOR, FOREIGN ECONOMIC ASSISTANCE ISSUES, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION ON PROCESSING SOVIET REFUGEES

The General Accounting Office has initiated a review of Soviet refugee applicants to identify U.S. policies toward Soviets applying for refugee status in the United States, and to examine the procedures for processing their applications. In addition to work at the State Department, Justice Department and the Immigration and Naturalization Service in Washington, we traveled to Rome, Vienna, and Moscow to obtain firsthand perspectives on processing procedures and conditions in Europe.

It has been longstanding U.S. policy to accept all Soviets wishing to emigrate to the United States. After fiscal year 1980, when over 28,000 Soviets entered the United States as refugees, the flow diminished until 1988, when over 20,000 gained admission. State Department officials expect 90,000 to 100,000 Soviets will apply for refugee status in fiscal year. About 50 percent are expected to be Jewish, with the remaining 50 percent Pentecostals, Armenians and others.

To accommodate this increased flow, the Administration is preparing requests for $85 million in supplemental budget authority and 18,500 admissions. The later allocations, if approved, coupled with the 25,000 already approved will provide for 43,500 Soviet refugee admissions during fiscal year 1989.

We found that until 1988, INS' processing of Soviets' applications resulted in virtually automatic approval. However, in 1988 processing procedures changed. As a result, not all Soviets seeking admission to the United States as refugees will be successful. A total of 4,919 of the 18,487 applicants interviewed as of March 31, 1989 have been denied refugee status.

While the denied applicants have been offered humanitarian parole, relatively few have been either willing or able to accept it. Only 482 of the 4,919 Soviets offered parole have accepted the offers.

During our work in Rome and Moscow, we found various inconsistencies in the manner in which individual refugee cases were adjudicated. Several factors contribute to these inconsistencies. First, guidance provided INS officers changed as INS phased in case-by-adjudications, with resulting stricter interpretation of refugee eligibility. Also, we found a lack of knowledge among some INS officers about Soviet country conditions and the treatment of specific ethnic and religious groups in the Soviet Union. We also noted differing interview approaches, which affected the quality and type of available information upon which to base adjudications. The tremendous volume of refugee applicants is also a contributing factor.

INS and consular officials, both in Europe and Washington agreed that cases were not being adjudicated consistently. INS has taken a number of actions, including training programs for its interviewing officers, to bring greater consistency to the adjudication process.●

● Mr. SIMON. Mr. President, today, I am pleased to join my friend and colleague Senator FRANK LAUTENBERG of New Jersey in offering important legislation to make some necessary refinements in the procedures for determining the status of Soviet and other refugees.

The historic opening of emigration from the Soviet Union for Jewish and other persecuted religious minorities which we have begun to see in recent months have overwhelmed our refugee policy. There are many more cases approved to leave the Soviet Union than we had ever anticipated. To address this problem, I introduced the Refugee Emergency Admissions Act, S. 476, in February. This bill will require the President to increase visa numbers by 39,000 this fiscal year. These additional numbers are to be allocated as follows: 25,000 Soviet refugees; 7,500 Eastern European refugees; 6,500 Southeast Asian refugees.

Today's legislation which I am cosponsoring with Senator LAUTENBERG addresses another significant but related problem. Since last fall, the Immigration and Naturalization Service has started to review Soviet and Southeast Asian refugee applications on a case-by-case basis, resulting in unprecedented high rates of denial of refugee status for these individuals. This bill will establish certain categories of Soviet and Southeast Asians presumed to be subject to persecution and provide for adjustment of their refugee status.

We have seen recent reforms in the Soviet Union, but few of these have been formalized in law. While we hope these reforms will continue, we have no guarantees and consequently must make sure that all individuals who wish to enter the United States should have that opportunity. Additionally, we have a commitment to Vietnamese participants in the Orderly Departure Program. I believe both of these groups have legitimate reasons to fear persecution. We should be doing more, not less, to see that those who wish to escape persecution are allowed to enter our country.

Again, I am pleased to join Senator LAUTENBERG in cosponsoring this legislation. I believe we have a unique opportunity this year to make much needed reforms in immigration and feel that the changes made by this bill are essential.●

By Mr. LAUTENBERG (for himself, Mr. HEINZ, Mr. MOYNIHAN, Mr. DOLE, Mr. RIEGLE, Mr. ARMSTRONG, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. KASTEN, Mr. SPECTER, Mr. CRANSTON, Mr. KENNEDY, Mr. REID, Mr. CONRAD, Mr. FOWLER, Mr. MURKOWSKI, Mr. WIRTH, and Mr. PELL):

S. 894. A bill to amend the Internal Revenue Code of 1986 to allow amounts paid for home improvements to mitigate radon gas exposure to qualify for deduction for medical expenses; to the Committee on Finance.

RADON MITIGATION CLARIFICATION ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing a bill, the Radon Mitigation Clarification Act of 1989, which addresses the serious, nationwide problem of radon gas. I am pleased to be joined by Senators HEINZ, MOYNIHAN, DOLE, RIEGLE, ARMSTRONG, DURENBERGER, LIEBERMAN, KASTEN, SPECTER, CRANSTON, KENNEDY, REID, CONRAD, FOWLER, MURKOWSKI, WIRTH, and PELL.

This bill would clarify that for the purposes of the medical expense deduction, amounts paid for qualified home improvements to mitigate radon gas exposure shall be treated as expenses paid for medical care. To qualify, the home must have a level of radon exceeding the level at which EPA recommends that homeowners take action. Also, the radon level must be measured by a State or a person found competent to measure radon by the State or EPA.

This bill is based on legislation I introduced in the 100th Congress, S. 756, which was approved in modified form by the Senate in 1988 as part of the Senate-passed tax technical corrections bill. Unfortunately, the provision was not included in the final version of that bill due to lack of support from House conferees.

Mr. President, according to the Environmental Protection Agency, radon causes the lung cancer deaths of up to 20,000 Americans annually. An EPA report found that one in three homes surveyed had a dangerous level of this deadly gas.

It is important that residents of contaminated homes take measures, such as the installation of ventilation systems, to mitigate the threat of radon. However, such measures can be costly, running into the thousands of dollars, and can impose a substantial burden on a family budget.

These expenses are health-related and should qualify as deductible medical care expenses. Unfortunately, the Internal Revenue Service has expressed uncertainty about this question.

There should be no doubt. The medical expense deduction has been allowed in several similar situations. And the Internal Revenue Code clearly states that for purposes of the medical expense deduction, medical care expenses include amounts paid for the "prevention of disease" (26 U.S.C. 2131(D)).

To cite some related examples, the IRS has allowed the deduction of swimming pools prescribed for the rehabilitation of persons with back injuries. It has allowed a deduction for the removal of lead-based paint, where a child with a related illness could worsen his condition by ingesting paint chips. Finally, a taxpayer has been able to deduct the cost of a device to flouridate water, to prevent tooth decay. If these deductions are allowed, then so should the deduction in the case of radon mitigation.

Unlike swimming pools, which provide a variety of nonhealth-related benefits, radon remediation systems do little beyond preventing a specific, deadly disease. Nor is there any question about either the need or effectiveness of radon mitigation measures. Under the amendment, the deduction would be allowed only where a home has a level of radon determined to be dangerous by the EPA. Also, the amendment would allow the deduction only for remediation techniques that have been proven effective.

This bill will encourage homeowners to mitigate the effects of radon and will save lives, including lives of children. Yet it will do so in a manner that is narrowly targeted to those in greatest need. Since the Medical expense deduction is available only where total medical care expenses exceed 7.5 percent of adjusted gross income, benefits will go largely to those with high remediation expenses and relatively modest incomes.

I would emphasize to my colleagues that this provision is entirely consistent with the principles of tax reform. It does not reopen a loophole that was closed. Rather, it clarifies a basic deduction—for medical expenses—that has been retained.

Mr. President, this legislation enjoys a broad, bipartisan base of support in the Senate. A companion version of the bill has now also been introduced in the House by Congressman BART GORDON. In addition, many groups have expressed support for allowing radon mitigation costs to qualify for the medical expense deduction. These include the National Association of Realtors, the Consumer Federation of America, the American Lung Association, the American Academy of Pediatrics, and the Associated Speciality Contractors. I would also note that during consideration of the technical corrections bill last year, the Treasury Department indicated that it did not oppose the legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radon Mitigation Clarification Act of 1989".

SEC. 2. HOME IMPROVEMENTS TO MITIGATE RADON GAS EXPOSURE TO QUALIFY FOR MEDICAL CARE EXPENSES TAX DEDUCTION.

(a) IN GENERAL.—For purposes of section 213(d)(1) of the Internal Revenue Code of 1986 (defining medical care), amounts paid for qualified home improvements to mitigate radon gas exposure shall be treated as expenses paid for medical care.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED HOME IMPROVEMENTS.—The term "qualified home improvements" means—

(A) sub-slab ventilation,

(B) drain-tile ventilation,

(C) block-wall ventilation,

(D) sump ventilation, and

(E) such other techniques as determined by the Secretary by regulation.

(2) RADON GAS EXPOSURE.—The term "radon gas exposure" means exposure at a level exceeding the level recommended by the Environmental Protection Agency as measured by the State or person approved by such agency.

(c) EFFECTIVE DATE.—This section shall apply to taxable years beginning after December 31, 1989.●

By Mr. BOREN:

S. 895. A bill to extend disaster assistance to losses due to adverse weather conditions in 1988 or 1989 for those crops planted in 1988 for harvest in 1989; to the Committee on Agriculture, Nutrition, and Forestry.

DISASTER ASSISTANCE AMENDMENTS

● Mr. BOREN. Mr. President, today I am introducing the Disaster Assistance Amendments Act of 1989. This legislation would basically extend the provisions of last year's Disaster Assistance Act to winter crops that were planted in 1988 for harvest in 1989. I am pleased to announce that the companion legislation is being introduced today in the House of Representatives by my fellow Oklahoman, Congressman GLENN ENGLISH.

Last summer's phenomenal drought conditions nearly spanned the continent. Agricultural production in dozens of States was greatly reduced or completely lost. Congress answered this emergency with a disaster relief package designed to help relieve the financial stress experienced by agricultural producers. The Disaster Assistance Act of 1988 accomplished this goal by making disaster payments to producers who had losses of over 35 percent of normal production. However, last year's legislation only covered crops normally harvested in 1988.

Mr. President, the same dry conditions that wiped out crops in the northern Great Plains and the Corn Belt last year have hampered winter wheat producers from the time they planted their crops in the fall and winter months of 1988. Although it is not yet as well publicized as last year's situation, the disaster faced by winter wheat producers in parts of Oklahoma, Kansas, and Texas stems from the same drought and is no less severe.

Many farmers in northwestern Oklahoma, have suffered a total loss of their crop. Statewide, only 35 percent of our winter wheat crop is rated in good condition. Last week, agronomists at Oklahoma State University projected that the entire State's wheat production could drop down to 75 percent of last year's total. The drought conditions also made the crop very susceptible to freeze damage. It is important to note that this legislation covers the extensive freeze damage because of its relation to the drought. Unusually late freezes have damaged crops as far south as the Red River. Conditions such as these also exist in parts of Texas, and the situation in Kansas is potentially much worse.

The U.S. Department of Agriculture has already taken intermediate steps to help address the problem. Secretary Yeutter has indicated his willingness to approve applications for emergency haying and grazing of set-aside acres and to expedite assistance through existing emergency feed programs. He has also established a drought task force to make further recommendations. I am thankful that the Secretary has been responsive to our requests for administrative action. However, I believe that more relief is warranted.

Mr. President, it is very important that my colleagues recognize that this extensive damage was essentially caused by the same drought to which Congress responded so quickly last year. However, because of the restrictions in last year's bill, winter wheat producers are not eligible for the disaster payments Congress deemed appropriate for other producers last year. It would be inconsistent and unfair for Congress to turn a deaf ear to agricultural producers experiencing a natural disaster equally as severe.

I urge my colleagues to support this legislation that is vital to farmers in the southern Great Plains and I ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Disaster Assistance Amendments Act of 1989".

SEC. 2. Section 201 of the Disaster Assistance Act of 1988 is amended—

(1) by inserting in paragraph (1) of subsection (a) "or for winter crops, in 1988 or 1989," after "related condition in 1988," both places it occurs;

(2) by inserting after subsection (b) the following new subsection:

"(c) DEFINITIONS.—(1) For purposes of this section, the term 'winter crop' means a crop of a commodity listed in subsection (a) planted during calendar year 1988 for harvest in 1989.

"(2) For purposes of this section, the term '1988 crop' shall include winter crops.

"(3) For purposes of determining payments under this section, such crop shall be considered separately from crops planted for harvest in 1988."; and

(3) by inserting in paragraph (4) of subsection (b) "or for winter crops, prior to July 31, 1990," after "July 31, 1989,".

SEC. 3. Section 202 of the Disaster Assistance Act of 1988 is amended—

(1) by inserting in subsection (a) "or for winter crops, in 1988 or 1989," after "related condition in 1988,"

(2) by inserting in subsection (b) "or for winter crops, in 1988 or 1989," after "related condition in 1988,"; and

(3) by inserting after subsection (c) the following new subsection:

"(d) DEFINITION.—(1) For purposes of this section, the term 'winter crop' means a crop of a commodity listed in subsection (a) planted during calendar year 1988 for harvest in 1989.

"(2) For purposes of this section, the term '1988 crop' shall include winter crops.

"(3) For purposes of determining payments under this section, such crop shall be considered separately from crops planted for harvest in 1988.".

SEC. 4. Section 205 of the Disaster Assistance Act of 1988 is amended—

(1) by inserting in subsection (a) "or for those crops specified in section 201(c) (1) and 202(d) (1), in 1988 or 1989," after related condition in 1988,"; and

(2) by inserting in subsection (d) "or for those crops specified in sections 201(c) (1) and 202(d) (1), in 1988 or 1989," after "disaster in 1988,".

SEC. 5. Section 206 of the Disaster Assistance Act of 1988 is amended—

(1) by inserting "or for the crop of a commodity specified in sections 201(c) (1) and 202(d) (1)," after "Federal Crop Insurance Act,"; and

(2) in paragraph (3) by striking out "the 1988" each place it appears and inserting "such".

SEC. 6. Section 207 of the Disaster Assistance Act of 1988 is amended in subsection (b) by—

(1) striking in paragraph (4) "sought; or" and inserting "sought;";

(2) striking in paragraph (5) "granted." and inserting "granted; or"; and

(3) inserting after paragraph (5) the following new paragraph:

"(6) planted in calendar year 1988 for harvest in 1989.".

SEC. 7. Section 232 of the Disaster Assistance Act of 1988 is amended by inserting in paragraph (2) of subsection (a) "or for a person eligible to receive payments for those crops specified in sections 201(c) (1) and 202(d) (1), not later than July 31, 1989," after March 31, 1989,".●

By Mr. SPECTER:

S. 896. A bill to amend the Public Health Service Act to aid in the planning, development, establishment, and ongoing support of Pediatric AIDS Resource Centers, to provide for coordinated health care, social services, research, and other services targeted to HIV infected individuals, and for other purposes; to the Committee on Labor and Human Resources.

PEDIATRIC AIDS RESOURCE CENTERS ACT

Mr. SPECTER. Mr. President, today I am introducing a revised version of the Pediatric AIDS Resource Centers Act to address the growing problem of providing care for children and youth suffering from the acquired immunodeficiency syndrome [AIDS]. The bill is based on S. 1871, which I introduced on November 17, 1987.

AIDS is now the ninth-leading cause of death among children ages 1 to 4 in the United States, and the seventh-leading cause of death among young people ages 15 to 24. By 1991, 1 of every 10 pediatric hospital beds is expected to be filled by a child stricken with the AIDS virus. According to Dr. Antonio Novello, Deputy Director of the National Institute of Child Health and Human Development, if current trends continue, AIDS soon will become one of the top five leading causes of death in young people from birth to 24 years of age.

As of the end of March 1989, 1,489 children under age 13 had been diagnosed as having AIDS. Of that number, 824 have died. Health experts assert that this is merely the tip of the iceberg.

The Department of Health and Human Services estimates that for every child who is diagnosed as having AIDS, another 2 to 10 are infected, but do not show full symptoms of the disease. Health experts project that by 1991 there will be at least 10,000 to 20,000 HIV-infected children in the United States. Pediatric AIDS is most often contracted from the mother by the newborn child and is most commonly, either directly or indirectly, the result of intravenous drug abuse. Women infected with the AIDS virus are thought to transmit the virus to their babies in utero, during or shortly after the time of delivery, or through breastfeeding. HHS estimates that over 100,000 women of childbearing age in the U.S. are infected with the virus.

A disproportionate number of affected children are black and Hispanic. In addition, because of the increasing incidence of drug abuse and sexual activity among adolescents, they are particularly at risk for contracting the AIDS virus.

The growing spread of AIDS among young people is seriously straining the medical, social service, and foster care systems in many communities. The cost of providing the needed medical and supportive services for pediatric patients is high, particularly because of the long periods of hospitalization these children often require. Although ambulatory and community-based services often are more appropriate and cost effective for these children, many communities lack or have an inadequate human service infrastructure to provide the appropriate level of care. Since these children usually are the result of at least one parent who is an intravenous drug abuser, and one or both parents are infected with the AIDS virus, the children often end up homeless, abandoned, and sometimes orphaned.

Orphaned or abandoned by parents and other family members, many of these children lie in hospital wards from birth through at least their 15th month, when tests results can show whether they have actually contracted AIDS. For those youths found to have contracted the disease, foster care and adoption frequently are not options. Because potential foster parents fear contracting the disease or being ostracized for caring for an AIDS patient, few foster homes will accept these youngsters. Babies who test negative often fare no better, when their medical histories indicate that they even were suspected of having AIDS. Thus, we have developed within our society "boarder babies"—children whose homes become a hospital ward and whose only care, nurturing, affection, or stimulation is provided by their nurses and other hospital staff or volunteers.

Mr. President, most of these childen are in hospitals because they are homeless—there is no place else for them to live. Many cities and communities are not providing foster care or facilitating at-home care for these children. What these young people need are programs that provide a coordinated, community-based family oriented model of care. This model must include medical care and social supports, such as home care and day care, to enable children to remain at home when possible. These services also must be made available to foster families. In instances where home care is not an option, small group homes must be developed for HIV-infected children. The purpose of the Pediatric AIDS Resource Centers Act I introduce today is to facilitate the development of such services.

Under the bill, such centers shall mobilize and coordinate health and social service resources to provide care for HIV-infected individuals from birth through 21 years of age and their families. The centers also shall participate in medical and social research conducted on HIV-infected children and their families and shall serve as a major resource concerning information on care and treatment of such families.

My bill provides $100 million to aid in the planning, development, establishment, and ongoing support of consortia to provide coordinated health care, social services, training, AIDS education, and to conduct research concerning HIV infected individuals under 22 years of age. The services

provided by the consortia will be child-centered and family-based, thereby ensuring that infected and high risk family members receive care.

The legislation I introduce today also seeks to enable historically black colleges and universities to improve their capability of conducting medical and social research, thereby affording them are opportunity to participate in consortia established under this act.

Mr. President, our hospitals, social service agencies, and communities desperately need help in addressing this particularly tragic aspect of the AIDS problem. More importantly, these vulnerable young people and their families desperately need our help. The Federal investment we make in aiding them will improve the quality of life for sick children and more effectively utilize our limited health care dollars.

For their assistance in this initiative, I would like to thank the National Association of Children's Hospitals and Rehabilitation Institutions; Pediatric AIDS Coalition of Washington, DC; Children's Hospital of Philadelphia; Dr. Stephen Nicholas and the staff of Harlem Hospital; Temple University of Philadelphia; the National Urban League; COSSMHO; the National Council of LaRaza; the Philadelphia Commission on AIDS; and Mother Clara Hale and Dr. Lorraine Hale of Hale House in New York City.

Mr. President, I urge my colleagues to join in support of this vital legislation; and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pediatric AIDS Resource Centers Act of 1989."

SEC. 2. PEDIATRIC AIDS RESOURCE CENTERS.

(a) IN GENERAL.—Title XV of the Public Health Service Act (relating to the prevention of acquired immune deficiency syndrome) (42 U.S.C. 300ee et seq.) is amended by adding at the end thereof the following new part:

"PART C—PEDIATRIC AIDS RESOURCE CENTER GRANTS

"SEC. 2531. DEFINITIONS.

"As used in this part:

"(1) ELIGIBLE CONSORTIUM.—

"(A) IN GENERAL.—The terms 'eligible consortium' or 'eligible consortia' means a coalition of public or private nonprofit agencies, institutions, service providers (including community-based organizations), and program conducting organizations who have entered into a joint agreement to provide comprehensive services to HIV infected individuals and their families. A consortium may, at its option, also formally organize itself as a nonprofit corporation.

"(B) TYPES OF ENTITIES.—The agencies, institutions, service providers and organizations described in subparagraph (A) shall, unless the Secretary determines that good cause for an exclusion exists, include health care institutions, social service providers, and entities such as health care facilities (including hospitals and migrant and community health centers), programs serving the homeless, runaway and homeless youth shelters, local health departments, home health agencies, foster care facilities, colleges and universities (with priority given to Historically Black Colleges and Universities where appropriate for the population being served in accordance with section 2535(g)), the Visiting Nurses Association, Child Welfare agency, mental health agencies, and programs serving intravenous drug users.

"(2) PEDIATRIC AIDS RESOURCE CENTER.—The term 'Pediatric AIDS Resource Center' means a centralized or decentralized operation center overseen by an eligible consortium that—

"(A) provides care and treatment to individuals infected with the HIV virus and the families of such individuals;

"(B) conducts research to determine the effectiveness of various treatments and services on individuals infected with the HIV virus;

"(C) provides AIDS education and prevention services;

"(D) provides for the testing and counseling of individuals with the HIV virus;

"(E) provides AIDS related training to professionals, paraprofessionals and volunteers; and

"(F) serves as a general resource center to provide for the care, treatment and applied research relating to individuals infected with the HIV virus and the families of such individuals.

"(3) INDIVIDUAL INFECTED WITH THE HIV VIRUS.—The term 'individual infected with the HIV virus' means any individual infected with the Human Immunodeficiency Virus who is under 22 years of age.

"SEC. 2532. ESTABLISHMENT OF GRANT PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Maternal and Child Health and in coordination with the Director of the Office of Minority Health, shall during each fiscal year make grants to eligible consortia to aid in the development of centralized and decentralized Pediatric AIDS Resource Centers. Grants shall be made directly to the consortium if the consortium has been formed as a nonprofit, tax-exempt corporation, or to one of the members of the consortium if the consortium is not formally incorporated.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall be used in accordance with section 2533 to provide a continuum of care for individuals infected with the HIV virus and the families of such individuals, and to improve the availability of services that prevent HIV infection among women of childbearing age, infants, children, and youth.

"SEC. 2533. APPLICATIONS AND USE OF FUNDS.

"(a) APPLICATION.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this part, an eligible consortium shall submit an application to the Secretary in such form, at such time and containing such information as the Secretary may by regulation prescribe.

"(2) CONTENTS.—An application submitted by eligible consortia under paragraph (1) shall—

"(A) demonstrate the need to establish a Pediatric AIDS Resource Center within the area of operation of the consortium through the provision of documents containing—

"(i) the estimated number of HIV infected individuals within the area to be served at the time of the submission of the application and the projected future number of such individuals;

"(ii) the services needed within the area to be served;

"(iii) the type of services that are available at the time of the submission, the type of services that must be developed, and the service delivery system to be established, including a timetable for making such services available;

"(B) describe the composition of the consortium, including the agency or entity that will be the legal recipient of the grant, and the functions that each member of the consortium will perform;

"(C) describe the involvement of and consultation with the impacted neighborhoods, affected populations, minority organizations, local institutions, and social and volunteer organizations that occurred during the development of the grant application and the mechanism to continue the involvement of and consultation with such entities;

"(D) describe the mechanism by which the consortium will report annually to the Secretary the results of ongoing, coordinated evaluations of the use of the grant by the consortium, including the cost effectiveness of the services rendered;

"(E) contain an assurance by the consortium that such consortium will coordinate its efforts with other Federal, State and local programs concerned with individuals infected with the HIV virus; and

"(F) include such other information as the Secretary considers appropriate.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—An eligible consortium shall use amounts received under this part to—

"(A) conduct social and mental health research relating to individuals infected with the HIV virus and the families of such individuals, and the communities that such individuals reside in;

"(B) document the need of communities for AIDS related services, and evaluate availability and effectiveness of such services;

"(C) provide AIDS prevention and education services, including the training of professionals, paraprofessionals and volunteers;

"(D) provide for the testing and counseling of individuals infected with the HIV virus;

"(E) provide care and treatment to individual infected with the HIV virus; and

"(F) perform applied research, including longitudinal studies.

"(2) HEALTH AND SOCIAL SERVICES.—

"(A) HEALTH RELATED SERVICES.—In providing care and treatment for individuals infected with the HIV virus a consortium shall establish that comprehensive health care services are available to the target population. Such services shall include primary health care services, medical care services (including neurology, infectious disease, immunology and psychiatry services), nutritional care, developmental services, mental health services (including psychological and social-psychological services), dental services, nursing services, home health care services, public health care services (including visiting nurses), transition services, and care management and coordination.

"(B) SOCIAL SERVICES.—In providing care and treatment for individuals infected with the HIV virus a consortium shall establish that social services are available to the target population. Such services shall, unless the Secretary determines that good cause exists for an exclusion, include social

work services, service referrals, transportation services, assistance in applying for medicaid and welfare support, home-making services, transitional care services between the hospital and home, foster care services, adoption services, day care and other respite care services for the family (including foster family services) hospice care services, spiritual care services, death and bereavement counseling, support services and counseling for volunteers and staff who provide services to individuals infected with the HIV virus and the families of such individuals.

"SEC. 2534. ADMINISTRATIVE PROVISIONS.

"(a) PAYMENTS.—Each eligible consortium that—

"(1) has an application approved by the Secretary under section 2533; and

"(2) demonstrates to the satisfaction of the Secretary that it will provide from non-Federal sources the consortium share of the aggregate amount to be expended by the consortium for the period for which it requests a grant;

shall receive a payment under this section for such fiscal year in an amount equal to the Federal share of the aggregate amount to be expended by the consortium under the application for such fiscal year.

"(b) GRANT AREAS.—In making grants under this section, the Secretary shall provide that consortia in areas with a high incidence of HIV infection among women and children and consortia in areas whose current low incidence of HIV infection is expected to increase shall receive such grants.

"(c) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share for—

"(A) the first two fiscal years for which the grant is in effect shall be up to 80 percent;

"(B) the third and fourth fiscal years for which the grant is in effect shall be up to 75 percent; and

"(C) the fifth fiscal year for which the grant is in effect shall be up to 67 percent.

"(2) CONSORTIUM SHARE.—The consortium share equals 100 percent minus the Federal share, and such share may be in cash or a combination of cash and in-kind valued at a fair market value.

"(3) WAIVER.—If the matching requirement under paragraph (2) would cause severe hardship to the consortium or not be practicable, the Secretary may waive the requirements of this subsection, and shall determine a more appropriate matching requirement.

"(d) TERM OF GRANT.—Unless a waiver is issued by the Secretary, no grant shall be awarded under this part for a term that is greater than a five year period.

"(e) MAINTENANCE OF FUNDS.—Funds provided under this part shall be used to supplement, not supplant existing public and private efforts.

"(f) ADMINISTRATIVE AND CONSTRUCTION EXPENSES.—The Secretary shall establish standards to ensure that the administrative costs for any consortium are reasonable and that no funds provided under this part shall be used to pay the costs of any construction.

"(g) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Not less than 10 percent of the amount of a grant under this part shall be used to promote the medical and social research capability of Historically Black Colleges and Universities that are participants in a consortium.

"(h) PRIORITY.—In making grants under this part, the Secretary shall give priority to consortia that include minority community-based organizations located in and representative of communities and subpopulations reflecting the local incidence of such syndrome.

"SEC. 2535. DATA COLLECTION.

"(a) IN GENERAL.—Not later than 1 year after receiving a grant under this part, and annually thereafter, a consortium shall provide the Secretary with appropriate data on the use of such grant, including information concerning—

"(1) the age, race, sex, and mode of transmission of individuals served;

"(2) the services requested, services made available, the frequency of use and the length of time such services were provided;

"(3) the extent to which a social support system is available for individuals being served;

"(4) the financial status of the individuals served, including their eligibility for Federal medical assistance, assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq), assistance under title IV of the Social Security Act (42 U.S.C. 601 et seq), and Federal public housing assistance.

"(b) REPORT.—Not later than 2 years after the date of enactment of this part, and annually thereafter, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report that describes the information received by the Secretary under subsection (a) for such fiscal year.

"(c) FUNDING.—No less than 1 percent of funds made available to the consortium under this part shall be used for data collection and evaluations.

"SEC. 2536. TECHNICAL ASSISTANCE AND TRAINING.

"From the sums appropriated under section 2532, the Secretary shall reserve 5 percent for technical assistance and training programs to assist eligible consortia in the management and administration of the grants that such consortia receive under this part.

"SEC. 2537. REGULATIONS.

"Not later than 90 days after the date of enactment of this part, the Secretary shall promulgate regulations to implement the requirements of this part.".

(b) TECHNICAL AMENDMENT.—The heading for title XV of such Act (relating to the prevention of acquired immune deficiency syndrome) (42 U.S.C. 300ee et seq.) is amended by striking out "TITLE XV" and inserting in lieu thereof "TITLE XXV".

"SEC. 2538. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $100,000,000 in fiscal year 1990, and such sums as may be necessary in each of the fiscal years 1991 and 1992, to carry out this part.".

By Mr. CRANSTON (by request):

S. 898. A bill to amend title 38, United States Code, to revise the provisions relating to refinancing loans and manufactured housing loans to veterans, to modify the procedures for the sale of loans by the Secretary of Veterans' Affairs, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' HOUSING AMENDMENTS ACT OF 1989

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 898, the proposed "Veterans' Housing Amendments Act of 1989." The Secretary of Veterans' Affairs submitted this legislation by letter dated April 17, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 17, 1989, transmittal letter and the enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Housing Amendments Act of 1989".

REFINANCING LOANS

SEC. 2. (a) Section 1810 of title 38, United States Code, is amended by striking out subsection (h) in its entirety.

(b) Section 1810(b) of title 38, United States Code, is amended by—

(1) striking out in paragraph (5) "the loan" and inserting in lieu thereof "except as provided in paragraphs (7) and (8) of this subsection, the loan";

(2) striking out at the end of paragraph (5) "and,";

(3) striking out in paragraph (6) "property." and inserting in lieu thereof, "property;" and

(4) inserting after paragraph (6) the following new paragraphs:

"(7) in the case of a loan made pursuant to subsection (a)(5) of this section to refinance:

"(A) a construction loan,

"(B) an installment land sales contract, or

"(C) a loan obtained by a previous owner of the property which was assumed by the veteran, provided such loan is at a lower interest rate than the loan being refinanced,

the loan to be paid by the veteran does not exceed the lesser of the reasonable value of the dwelling or farm residence as determined pursuant to section 1831 of this title, or the sum of the outstanding balance on the loan to be refinanced plus such closing costs (including discounts) specified by the Secretary in regulations which were actually paid by the veteran; and

"(8) in the case of a loan made pursuant to subsection (a)(5) of this section for any purpose other than those described in paragraph (7) of this subsection, the loan to be paid by the veteran does not exceed 90 percent of the reasonable value of the dwelling or farm residence as determined pursuant to section 1831 of this title.".

SALE OF VENDEE LOANS

SEC. 3. Section 1833(a) of title 38, United States Code, is amended by striking out paragraph (3) in its entirety and inserting in lieu thereof:

"(3) The Secretary may sell any note evidencing such a loan in order to maintain the effective functioning of the loan guaranty program under this chapter—

"(A) with recourse; or

"(B) without recourse. In order to assure such sales without recourse will maximize the proceeds to the Loan Guaranty Revolving Fund, the Secretary shall:

"(i) consult with a professional financial advisor;

"(ii) review the experience of other Federal agencies that have conducted loan assets sales without recourse;

"(iii) explore such marketing strategies as overcollateralized loans or private reinsurances; and

"(iv) accept bids only when they appropriately reflect the prevailing interest rates and characteristics of the loans.".

EXTENSION OF LOAN FEE

SEC. 4. Section 1829(c) of title 38, United States Code, is amended by striking out "1989" and inserting in lieu thereof "1991".

REVISION AND REPEAL OF CERTAIN MANUFACTURED HOME LOAN REQUIREMENTS

SEC. 5.(a) Section 1812(h) of title 38, United States Code, is amended by—

(1) striking out the last sentence of paragraph (1); and

(2) striking out paragraph (2) in its entirety, and inserting in lieu thereof:

"(2) Any manufacturing housing unit properly displaying a certification of conformity to all applicable Federal manufactured home construction and safety standards pursuant to section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5415) shall be deemed to meet the standards required by paragraph (1) of this subsection.".

(b) Section 1812(j) of title 38, United States Code, is amended by—

(1) striking out "refuses to permit the inspections provided for in subsection (h) of this section; or in the case of manufactured homes which are determined by the Secretary not to conform to the aforesaid standards; or where the manufacturer of manufactured homes"; and

(2) striking out "warranty." and inserting in lieu thereof "warranty; or in the case of manufactured homes which are determined by the Secretary not to conform to the standards provided for in subsection (h) of this section; or in the case of a manufacturer who has engaged in procedures or practices determined by the Secretary to be unfair or prejudicial to veterans or to the Government.".

(c) Section 1812(l) of title 38, United States Code, is amended by striking out "the results of inspections required by subsection (h) of this section,".

PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS

SEC. 6. Section 1804 of title 38, United States Code, is amended by—

(a) striking out subsection (c) in its entirety; and

(b) redesignating subsection (f) as subsection (e).

OFFSET OF TAX REFUND FOR HOUSING LOAN DEBT

SEC. 7. Section 1826 of title 38, United States Code, is amended by—

(a) striking out "No" and inserting in lieu thereof:

"(a) Except as provided in subsection (b) of this section, no"; and

(b) Inserting at the end thereof the following new subsection:

"(b) This section shall not apply to the reduction of a refund of Federal taxes by the Secretary of the Treasury pursuant to section 3720A of title 31, United States Code.".

TIME LIMIT FOR HOUSING DEBT WAIVER

SEC. 8. Section 3102 of title 38, United States Code, is amended by—

(a) striking out "101 and 1801" and inserting in lieu thereof, "101, 1801, and 1802(a)(2)(C)(ii) of this title"; and

(b) inserting at the end thereof, "An application for relief under this subsection must be made (1) within 180 days from the date of notification of the indebtedness by the Secretary to the debtor, or within such longer period as the Secretary determines is reasonable in a case in which the payee demonstrates to the satisfaction of the Secretary that such notification was not actually received by such debtor within a reasonable period after such date; or (2) September 30, 1991, if notice of such debt was provided before October 1, 1989.".

TECHNICAL CORRECTION REGARDING ENTITLEMENT

SEC. 9. Section 1802(a)(2)(C)(ii) of title 38, United States Code, is amended by inserting at the end thereof, "For purposes of this chapter, a person described in this subclause shall be considered to be a veteran notwithstanding that such person has never been discharged or released from active duty."

MAKE CLAIM PAYMENT AND PROPERTY ACQUISITION PROCEDURES PERMANENT

SEC. 10. Section 1832(c) of title 38, United States Code, is amended by striking out paragraph (11) in its entirety.

EFFECTIVE DATE

SEC. 11.(a) The amendments made by sections 2, 5, and 6 of this Act shall take effect October 1, 1989.

(b) The amendments made by sections 3, 4, 7, 8, 9, and 10 of this Act shall take effect upon enactment of this Act.

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,

Washington, DC, April 17, 1989.

Hon. DAN QUAYLE,

President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend title 38, United States Code, to revise the provisions relating to refinancing loans and manufactured housing loans to veterans, to modify the procedures for the sale of loans by the Secretary of Veterans Affairs, and for other purposes." I request that this measure be referred to the appropriate committee and promptly enacted.

This omnibus measure, entitled the "Veterans' Housing Amendments Act of 1989," would make a number of amendments to the VA Housing Loan Guaranty Program to reduce administrative regulation and enhance revenues.

The terminology used in the draft bill reflects the conversion of the Veterans' Administration to the Department of Veterans Affairs pursuant to Public Law 100-527. This bill assumes that appropriate technical and conforming amendments to title 38, United States Code, mandated by section 14 of Public Law 100-527 have been made.

Section 2 of the draft bill revises the requirements related to refinancing loans guaranteed under 38 U.S.C. § 1810(a)(5). Until recently, a veteran could refinance up to the full reasonable value of his or her home. Section 7(c) of Public Law 100-198, enacted December 21, 1987, however, amended section 1810 of title 38 to limit refinancing loans to 90 percent of the appraised value of the home. The legislative history of that amendment clearly reflects congressional concern over "loans refinanced . . . to cash out the equity of a home. . . ." The intent of that amendment was to "[l]imit[ ] equity-payout refinancing loans. . . ." *See:* Senate Report 100-204, 100th Cong. 1st Sess. (October 21, 1987) at 21.

We certainly agree that a significant number of veterans who refinance their homes cash out their equity in the property. Many other refinancing loans, however, are not for that purpose. Rather, such loans are obtained solely to replace less favorable types of financing with a VA loan. The draft bill identifies the following three such situations:

1. A veteran obtained a temporary construction loan to build a home on land already owned by the veteran. Following completion of construction, the veteran seeks to replace the initial financing with a 30-year permanent loan;

2. A veteran initially purchased the property using an installment land sales contract which he or she wishes to replace with the more traditional deed and mortgage form of ownership; and

3. A veteran assumed an existing conventional or FHA loan when he or she purchased the property which time the veteran seeks to replace with a VA loan at a lower rate of interest.

VA believes all three of these situations are analogous to interest rate reduction loans now authorized under 38 U.S.C. § 1810(a)(8). Such loans do not involve cash back to the Veteran, and are not limited to 90 percent of the value of the security. VA believes the risks associated with this type of refinancing loan are no greater than with a standard purchase money guaranteed loan for a similar property.

This section, therefore, would permit VA to guarantee loans for those three limited situations without regard to the 90 percent of value limitation applicable to guaranteed refinancing loans. Instead, section 2 of the draft bill would limit loans for those three purposes to the lesser of the reasonable value of the property as determined by VA, or the sum of the outstanding balance on the loan to be refinanced plus such closing costs (including discounts) specified in regulations. That would permit the veterans involved to receive the equivalent of a no-down-payment VA purchase money mortgage loan.

VA estimates that enactment of section 2 of this draft bill would result in insignificant costs; i.e., less than $100,000 in administrative costs on $1 million in benefits costs in any fiscal year.

Section 3 of the draft bill would revise provisions of the law related to the sale of vendee loans by VA. Following the foreclosure of a loan guaranteed or made by VA, the Secretary frequently acquires the property that secured the loan. VA then sells these properties in an effort to recoup the Government's loss under the guaranty. In some cases, the VA provides seller financing, commonly known as a "vendee loan." VA may then sell the paper for such vendee loans to generate immediate cash for the Loan Guaranty Revolving fund (LGRF). Historically, this paper has been sold with recourse; i.e., the Government agrees to buy the note back from the holder if the borrower defaults.

Credit management policies, however, favor selling loan assets without recourse. Selling with recourse runs counter to effective debt management and does not provide an accurate measurement of the subsidy inherent in Federal credit. In addition, selling the loans with recourse creates a contingent liability to the Government for the full face value of the loan. This contingent liability represents the full extent of the Government's cost for repurchasing vendee loans that eventually default.

Accordingly, VA began selling loans without recourse in Fiscal Year 1988. To date, four sales have been held. In the first three sales, the loans were sold to a trust which issued mortgage-backed securities utilizing a senior-subordinate structure with bond insurance.

As required by 38 U.S.C. § 1833(a)(3)(B), the Administrator provided the Congress with detailed reports on the results of the first two sales. In summary, the first sale of 8,903 loans with a principal balance of approximately $308.9 million was closed June 29, 1988. This sale resulted in net proceeds to VA of approximately $179 million. When the expected cash flow of the subordinate certificates is taken into account, this sale produced a yield equivalent to 88.6 percent.

A second sale was held September 23, 1988. VA sold an additional 6,177 loans with a principal balance of approximately $234.3 million. This sale resulted in net proceeds to VA of approximately $128.8 million, producing a yield equivalent to 90.7 percent.

The third sale closed February 23, 1989. VA sold an additional 7,693 loans with a principal balance of approximately $278.1 million. This sale resulted in net proceeds to VA of approximately $165 million. A fourth sale involving 12,039 older loans with a principal balance of approximately $58.1 million closed on March 23, 1989. This latest sale resulted in net proceeds to VA of approximately $49.4 million. VA will be providing the Congress with a full report on these two sales in the near future, including projections of the expected cash flow from the subordinate certificates held by VA as a result of the third sale.

VA is also planning a fifth nonrecourse sale for the latter part of Fiscal Year 1989.

As the results of the sales already held demonstrate, selling loans without recourse is a viable option. Amendments to section 1833(a)(3) of title 38 made by Public Laws 100-136 and 100-203, however, have restricted the freedom of the Secretary to sell loan assets without recourse. As the law now stands, until October 1, 1989, the Secretary will be required to make complex projections of the anticipated yields and costs of recourse and nonrecourse sales of each block of loans to be offered for sale. Based upon such projections, the Secretary will determine whether it is in the best interests of the effective functioning of the loan guaranty program to sell with or without recourse. After October 1, 1989, VA would be prohibited from selling loans without recourse unless they could be sold at par. For all intents and purposes, that would preclude selling loans without recourse.

The present law imposes complex and costly administrative requirements on VA without tangible benefit. Further, the effective prohibition of selling without recourse after October 1, 1989, is an unnecessary and unwarranted interference with the administrative flexibility required by the Secretary to dispose of loan assets.

Therefore, section 3 of the draft bill would grant the Secretary flexibility to sell loans in a cost-effective manner, either with or without recourse, without the administrative burdens now contained in the law.

VA estimates that enactment of section 3 would result in a savings of $599.3 million in budget authority for Fiscal Year 1990. The estimated 5-year savings for this section would be:

Fiscal year:	*Thousands*
1990	$599,283
1991	659,522
1992	613,973
1993	590,639
1994	587,803
Total	3,051,220

Section 4 of the draft bill would amend section 1829 of title 38, United States Code, to extend the authority to collect a 1 percent loan origination fee from September 30, 1989, through September 30, 1991. At present, that section imposes a fee of 1 percent of the loan amount upon veterans who obtain housing loans guaranteed, insured, or made by VA under chapter 37 of title 38, United States Code, and upon persons who receive vendee loans from the VA in connection with the purchase of real property from the VA. Disabled veterans receiving compensation, or who would be entitled to compensation but for the receipt of retirement pay, and surviving spouses of veterans who died from a service-connected disability are exempt from paying this fee.

The fee is collected at the time of loan closing, and may be financed with the loan. Proceeds from the fee are disposited into the Loan Guaranty Revolving Fund (LGRF).

Public Law 89-358, which originally granted VA home loan benefits to post-Korean conflict veterans, required collection of such a fee. That provision was repealed by Public Law 91-506 in 1970. The Omnibus Budget Reconciliation Act of 1982, Pub. L. No. 97-253, § 406, reimposed a fee of one-half of 1 percent for loans to veterans closed after September 30, 1982. The Deficit Reduction Act of 1984, Pub. L. No. 98-369, § 2511, increased the fee to 1 percent. Authority to collect the fee expires October 1, 1989.

Under the draft bill, on loans closed on or after October 1, 1989, the 1 percent fee would continue through September 30, 1991. Vendee loan purchasers would be subject to the same fee.

The LGRF provides moneys for all loan guaranty operations except general administrative expenses. The LGRF also provides some funding for supplementary services and equipment pursuant to Pub. L. No. 100-689, § 303. Since Fiscal Year 1984, this fund has required $2.281 billion in direct appropriations and $360 million in transfers from the readjustment benefits account in order to remain solvent.

In Fiscal Year 1988, over $916 million was appropriated to the LGRF, and an additional $200 million was transferred to the fund from the appropriation for Readjustment Benefits (of which $21.7 million was subsequently transferred to another appropriation account). A further appropriation of $658 million was made for Fiscal Year 1989. Current projections show a supplemental appropriation of approximately $312 million is required for the current fiscal year. Without the proposed fee extension, the LGRF would experience a shortfall in Fiscal Year 1990 of approximately $141 million.

The VA home loan program has been and continues to be of great importance to present and former members of the Nation's Armed Forces who seek to become homeowners. We are mindful that the cost to the taxpayers of operating the program and paying claims on loans resulting in foreclosure are significant. Since the loan guaranty program provides a unique benefit (i.e. no-down-payment terms) for a select group of beneficiaries, we believe that this group should bear a portion of the cost of providing the benefit through a modest, one-time fee.

VA estimates that enactment of section 4 of the draft bill would produce revenues of $140.6 million in Fiscal Year 1990. The estimated savings for this section would be:

Fiscal year:	
1990	$140,600
1991	145,400
Total	286,000

Section 5 of the draft bill would make certain improvements to the manufactured housing loan program and repeal certain requirements of that program which VA believes are no longer necessary.

Section 5(a)(1) of the draft bill would delete the requirement that VA standards for manufactured home sites include requirements to encourage the development of attractive residential areas which will be free from and not substantially contribute to adverse scenic or environmental conditions.

Currently, 38 U.S.C. § 1812(h)(1) requires that, as part of the standards established in approving manufactured home sites, VA take into consideration scenic or environmental conditions. Since these provisions were enacted, many beneficial changes have taken place with respect to planning and construction standards for manufactured home parks and subdivisions. State and local regulatory agencies generally have standards for licensing, occupancy, and use which prevent overcrowding and other adverse conditions, including those which affect the scenic and environmental state of the manufactured home sites. VA's standards only serve to duplicate existing local requirements and complicate the application process. Accordingly, VA recommends eliminating these requirements.

Section 5(a)(2) of the draft bill would repeal the requirement that VA inspect the manufacturing process of manufactured homes and conduct on-site inspections of such units purchased with VA financing. The bill would further provide that any manufactured home unit that property displays a certificate of conformity with all applicable Federal manufactured home construction and safety standards would be eligible for purchase with VA guaranteed loans.

Currently, 38 U.S.C. § 1812(h)(2)(A) requires the VA to make inspections of the manufacturing process of manufactured homes and to perform random on-site inspections of manufactured homes purchased with a VA guaranteed loan. The purpose of the inspections of manufacturing plants is to insure that manufacturers comply with the standards for planning, construction, and general acceptability of manufactured homes required to be prescribed by VA under 38 U.S.C. § 1812(h)(1). The on-site inspections were mainly required to judge the effectiveness of the manufactured home loan program.

In 1970, when the Congress enacted the VA manufactured home loan program, there were no comprehensive regualtions insuring the safety and fitness of manufactured housing. Four years later, however,

the Congress enacted the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401-5426. That statute requires the Secretary of Housing and Urban Development, in consultation with the Consumer Product Safety Commission, to establish Federal manufactured home construction and safety standards. Generally all new manufactured homes sold in interstate or foreign commerce must comply with these Federal Standards Units are required to have permanently affixed to them a tag or label certifying their compliance with such standards. The Secretary of HUD is authorized to conduct necessary inspections to enforce the Federal standards.

VA believes that the comprehensive scheme established under the National Manufactured Housing Construction and Safety Standards Act of 1974 is sufficient to insure that new manufactured homes purchased by veterans with VA guaranteed loans will be properly built and suitable for occupancy and use.

Section 1812(h)(2)(B) of title 38, enacted as part of Public Law 95-476 in 1978, permits VA to delegate to HUD the responsibility for conducting manufactured plant inspections. VA has entered into an agreement with HUD under this provision of the law, and has made such a delegation. VA believes it is unnecessary to retain the provision in the law for VA to conduct inspections, and the provision should be eliminated.

VA further believes on-site inspections are likewise unnecessary. Such inspections might have been useful when the law was first enacted to aid in evaluation of this program. Over 15 years of experience with the manufactured home loan program has demonstrated the viability of the program. Each of the states where VA has guaranteed manufactured housing loans have and enforce planning and zoning laws which adequately address our concerns. Additionally, VA's procedures require lenders to certify that the unit has been properly installed on an approved site, and that the veteran receives everything for which he or she has paid. As these inspections are no longer necessary, they should be eliminated.

The draft bill also makes perfecting amendments consistent with the elimination of such inspection.

In addition, the draft bill proposes one technical amendment to the manufactured home loan program. Section 1812(j) permits VA to suspend from participation in the VA program a manufacturer of manufactured homes who refuses to permit inspections, is unwilling or unable to comply with its warranty obligations, or if the units fail to conform to VA standards. this section does not specifically contain the additional "catch all" grounds of suspension for engaging in practices prejudicial to veterans or to the Government. Provisions of the law applicable to suspending other loan guaranty program participants authorize suspension for such prejudicial practices. See 38 U.S.C. §§ 1804 (b) and (d) and 1812(k). In addition to removing the reference to the inspections which the draft bill proposes to eliminate, engaging in actions unfair or prejudicial to veterans or the Government would be added as a basis for suspension. We believe this technical correction is desirable to make clear that VA has the authority to suspend manufacturers who engage in such practices.

VA estimates that enactment of section 5 would have no costs or result in savings of less than $100,000 in any fiscal year.

Section 6 of the draft bill would repeal the requirement for a statement of local officials regarding the feasibility of public or community water and sewerage systems as a condition to the VA guaranty of loans for the purchase of newly constructed homes.

Currently, under 38 U.S.C. § 1804(e), the VA may not guarantee loans for newly constructed residences in areas where local officials certify that the establishment of public or community water and sewerage systems is economically feasible unless the dwellings are served by such systems. Since enactment of this section in 1965, conditions have changed significantly. Federal, State, and local laws now adequately address the subject of individual water and sewerage systems as an alternative to public and community water systems. These certification requirements place an additional burden on local officials and program participants without materially benefiting the veteran.

Enactment of this proposal would result in administrative savings of less than $100,000 in any fiscal year.

Section 7 of the proposed legislation would amend section 1826 of title 38, United States Code, to expand VA's authority to collect housing loan debts by offsetting a debtor's Federal tax refund. Currently, section 1826 prohibits offset of any non-VA Federal payment to satisfy an indebtedness to VA arising out of the loan guaranty program unless the debtor is liable to the VA. Since a significant number of VA guaranteed loans are foreclosed nonjudicially, these requirements are often not met.

Under section 3720A of title 31, United States Code, which was enacted by the Deficit Reduction Act of 1984, Pub. L. No. 98-369, § 2653, past-due debts to Federal agencies may be referred to the Secretary of the Treasury for collection by offsetting against refunds of Federal taxes due the debtor.

VA believes the Deficit Reduction Act established a policy of collecting Federal debts in this manner. Therefore, conforming amendments should be made to section 1826 of title 38.

VA estimates that enactment of this proposal would generate collections of approximately $1 million and produce administrative costs of less than $100,000 in any fiscal year.

Section 8 of the draft bill would impose a time limit during which a veteran may request waiver of a loan guaranty debt. Generally, a veteran would have 180 days from the date of the notice of the debt to file a waiver request. This amendment is consistent with subsection (a) of section 3102 of title 38 which imposes the same limit on requesting waivers of all other debts to VA. Under subsection (b) of that section, however, no time limit is imposed on requesting waiver of a home loan debt. This creates several problems, especially when a request for waiver is made on a loan program debt after it has been referred for collection through litigation. If such a waiver request is filed, all collection action must be stopped until a decision is made on the waiver request. If the request for waiver is subsequently denied, then we must go through the time-consuming and costly process of referring the case a second time for collection.

To reduce hardship and prejudice to veterans who may have relied on the current law, any veteran who received notice of a home loan debt prior to October 1, 1989, would have until September 30, 1991, to request a waiver.

Section 8 would also make a technical amendment to section 3102(b). Currently, that section pertains to veterans as defined by sections 101 and 1801 of title 38, and to the spouses of veterans. Section 101 of title 38 contains the general definition of "veteran" for title 38 purposes, and section 1801 defines "veteran" to include, for home loan purposes, certain surviving spouses of veterans who died from service-connected causes and spouses of veterans who are prisoners of war or missing in action. In addition to those categories of persons, section 1802(a)(2)(C)(ii) of title 38 grants home loan eligibility to persons currently on active duty in the Armed Forces. Unfortunately, active duty servicemembers do not meet the definition of veteran in either section 101 or 1801. This technical amendment would make it clear that debts of active duty servicemembers are eligible for waiver consideration on the same terms as all other veterans, and would be subject to the time limit proposed.

Enactment of this proposal would result in insignificant administrative benefits savings of less than $1 million in any fiscal year and insignificant administrative savings of less than $100,000 in any fiscal year.

Section 9 of the draft bill makes another technical amendment concerning active duty servicemembers. As explained above, section 1802(a)(2)(C)(ii) of title 38 grants home loan eligibility to persons currently on active duty. As currently drafted, however, this section refers to "veterans" who have served on active duty for more than 180 days and continue on active duty without a break in such duty. Section 101 of title 38 defines "veteran" for purposes of VA benefits as a person who served on active duty "and who was discharged or released therefrom under conditions other than dishonorable." Since most active duty service personnel have never been discharged or released from active duty, they are not technically veterans. Therefore, section 9 of the draft bill proposes a technical amendment to section 1802(a)(2)(C)(ii) of title 38 to provide that, for home loan purposes, persons on active duty will be considered to be veterans.

Section 10 of the draft bill would make permanent the claim payment and property acquisition provisions contained in section 1832(c) of title 38, United States Code. Currently, these provisions are set to expire October 1, 1989. These provisions, which were added by section 2512(a)(2) of the Deficit Reduction Act of 1984 (DRA), Public Law 98-369, determine the VA's claim liability under a home loan guaranty and when the VA may acquire the property which secured the loan.

Section 1832(c) of title 38 requires the VA to establish a net value for the security property. "Net value" is the fair market value minus costs the VA would incur, if it acquired the property, to acquire, manage, and dispose of such property. Generally, the VA may acquire the property if the net value exceeds the unguaranteed portion of the loan, and the loan holder acquires the property for the lesser of net value or the veteran's total indebtedness. In such cases, net values also represents a minimum amount the loan holder must credit to the veteran's indebtedness in determining the VA's guaranty liability. This provision has provided a useful framework to determine when it is cost-effective either to acquire a VA guaranteed property at foreclosure or to pay the full guaranty amount.

The DRA amendments were enacted to reduce the Government's losses on foreclosure of VA guaranteed loans and the subse-

quent resale of VA acquired properties and ensure that the VA home loan program would continue to provide a viable benefit for veterans and lenders. Experience has shown that these procedures have worked well. The basic framework created by DRA, as amended, and now codified at section 1832(c), is sound and should be continued and made permanent.

The final section provides the effective dates for the various amendments proposed by the draft bill. The amendments made by section 2 relating to refinancing loans, section 5 making various amendments to the manufactured home loan program, and section 6 relating to water and sewerage systems will take effect October 1, 1989. The remainder of the draft bill will take effect upon enactment.

The provisions of this proposal concerning the extension of the 1 percent home loan origination fee and the sale of vendee loans without recourse to the Federal Government are needed to carry out the President's FY 1990 Budget plan described in the President's Building A Better America document as transmitted to Congress on February 9th.

The Office of Management and Budget advises that there is no objection to submission of this proposal to Congress. Enactment of the home loan origination fee and vendee loan proposals would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

SECTION-BY-SECTION ANALYSIS ON VETERANS' HOUSING AMENDMENTS ACT OF 1989

[NOTE.—The terminology in the draft bill reflects the conversion of the Veterans' Administration to the Department of Veterans' Affairs (VA) pursuant to Public Law 100-527. This bill assumes that appropriate technical and conforming amendments to title 38, United States Code, mandated by section 14 of Public Law 100-527, have been made.]

SECTION 2—REFINANCING LOANS

Would permit the amount of a VA guaranteed refinancing loan to exceed the current limit of 90 percent of the security property's reasonable value under three circumstances. These are: to refinance an existing construction loan, to refinance an installment land sales contract, or to refinance a loan which was assumed by a veteran who wishes a new loan at a lower interest rate. In those cases, the amount of the loan may not exceed the lesser of the reasonable value of the security property, or the outstanding balance of the loan being refinanced plus allowable closing costs.

SECTION 3—SALE OF VENDEE LOANS

Would repeal 38 U.S.C. § 1833(a)(3) that regulates the manner in which VA may sell vendee loans, and prohibits VA from selling vendee loans without recourse after October 1, 1989, unless these loans are sold at par. It would substitute authority to sell such loans either with or without recourse. To maximize without recourse sales proceeds, the bill would require the Secretary to consult a financial advisor, review the experience of other Federal agencies, explore various marketing strategies, and accept bids reflecting prevailing interest rates.

SECTION 4—EXTENSION OF LOAN FEE

Would extend the sunset for the 1 percent loan fee currently required by 38 U.S.C. § 1829(c) from September 30, 1989 to September 30, 1990.

SECTION 5—REPEAL CERTAIN MANUFACTURED HOME LOAN REQUIREMENTS

Subsection (a) would repeal the requirement of 38 U.S.C. § 1812(h) that VA establish standards for manufactured housing sites that consider environmental concerns, and that VA inspect manufactured housing plants and sites. It would substitute a provision that any manufactured home bearing a certificate of conformity to all applicable Federal manufactured housing standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 will be acceptable for VA financing.

Subsection (b) would amend 38 U.S.C. § 1812(j) to authorize VA to refuse to guarantee loans for the purchase of manufactured homes made by manufacturers that engaged in practices that were unfair or prejudicial to veterans or the Government. It also makes perfecting changes to that subsection.

Subsection (c) would make a perfecting change.

SECTION 6—PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS

Would repeal 38 U.S.C. § 1804(e) which prohibits VA from guaranteeing loans for newly constructed residences in areas not served by public or community water and sewerage systems where local officials certify that the establishment of such systems is feasible. It would also made a perfecting change.

SECTION 7—OFFSET OF TAX REFUND FOR HOUSING LOAN DEBT

Would amend 38 U.S.C. § 1826 to permit VA to collect all debts arising out of the housing loan program by offsetting the debtor's Federal tax refund.

SECTION 8—TIME LIMIT FOR HOUSING DEBT WAIVER

Would amend 38 U.S.C. § 3102(b) to impose a time limit of 180 days after receiving notice of a housing loan debt for a veteran to request that VA waive that debt. Veterans who received notice of debts before October 1, 1989, would have until September 30, 1991, to request waiver. This section of the bill would also make a technical amendment to section 3102(b) to make that section applicable to active duty servicemembers.

SECTION 9—TECHNICAL CORRECTION REGARDING ENTITLEMENT

Would make a technical correction to 38 U.S.C. § 1802(a)(2)(C)(ii) to provide that, for home loan purposes, persons on active duty will be considered to be veterans.

SECTION 10—MAKE CLAIM PAYMENT AND PROPERTY ACQUISITION PROCEDURES PERMANENT

Would make permanent the claim payment and property acquisition provisions contained in 38 U.S.C. § 1832(c). Currently, these provisions are set to expire October 1, 1989.

SECTION 11—EFFECTIVE DATES

Subsection (a) would make sections 2 (refinancing loans), 5 (manufactured home loan program amendments), and 6 (water and sewerage systems) of this bill effective October 1, 1989.

Subsection (b) would make the remainder of this bill take effect upon enactment.

By Mr. CRANSTON (by request):

S. 899. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans' Affairs to establish and conduct, for 5 years, a leave sharing program for medical emergencies of employees of the Department of Veterans' Affairs who are subject to section 4108 of title 38, United States Code; to the Committee on Veterans' Affairs.

ESTABLISHING A LEAVE SHARING PROGRAM FOR EMPLOYEES OF THE DEPARTMENT OF VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 899, a bill to provide for leave-sharing for Department of Veterans' Affairs employees. The Secretary of Veterans' Affairs submitted this legislation by letter dated March 30, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 30, 1989, transmittal letter and the enclosed analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 899

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4108 of title 38, United States Code is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of Veterans Affairs may establish and conduct, for five years, a leave sharing program for medical emergencies, covering employees subject to this section, which is consistent with the five-year leave sharing program authorized in subchapters III and IV of chapter 63 of title 5, United States Code, for employees appointed under that title."

SEC. 2. Subsection (e) of section 4108 of title 38, United States Code, is repealed effective October 31, 1993.

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington DC, March 30, 1989.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to establish and conduct, for five years, a leave sharing program for medical emergencies of employees of the Department of Veterans Affairs who are subject to section 4108 of title 38, United States Code," with the request that it be referred to the appropriate committee for prompt consideration and enactment.

Current law, under Public Law 100-566, the Federal Employees Leave Sharing Act of 1988, provides authority for a five-year leave sharing program, including voluntary leave transfer and leave "banks" for medical emergencies, for employees appointed in the civil service under title 5 of the United States Code. Although earlier (and more narrow) one-year leave transfer authorities (Public Laws No. 100-202 and 100-440) allowed including the health care professional employees in the Department of Veterans Affairs, who are appointed under the special authority in title 38 of the United States Code, the new five-year leave sharing law does not cover those "title 38" employees. Those employees include physicians, dentists, nurses, podiatrists, optometrists, physician assistants, and expanded-function dental auxiliaries. The one-year authority will be expiring September 30, 1989.

This draft bill would authorize a five-year leave sharing program covering thost "title 38" employees, giving discretion to include them in the benefits of both leave transfer and leave banks over its five year term.

This draft bill would amend title 38 of the United States Code to authorize the Secretary of Veterans Affairs to establish a leave sharing program, similar to that authorized for title 5 employees under the current laws, and would thus allow the Department to continue including health care professionals in leave sharing, a very helpful means of assisting personnel who, through a medical emergency, find themselves threatened with loss of pay because leave resources become exhausted. The leave sharing program established by this draft bill would be consistent with current Office of Personnel Management regulations governing leave sharing programs. The draft bill provides for repeal effective October 31, 1993.

The title 38 employees affected by the draft bill work in the Veterans Health Services and Research Administration within the Department. Many of the Administration's employees, appointed under title 5, are includible in the five year program already enacted. The draft bill, by including the title 38 workers, would alllow equal eligibility throughout the Administration as well as facilitating management of leave sharing. Also, the draft bill would permit the Department to avoid the possible adverse morale implications of having part, but not all of a large group of employees, be eligible for participation.

The temporary leave transfer authority, which has affected both title 5 and title 38 employees, has worked smoothly and helped employees cope with leave emergency situations. It is therefore expected that the authority in the draft bill could be implemented efficiently and helpfully. The five year authority would enable the Department to assess the benefits and implications of leave sharing vis a' vis its unique health care professional employees.

We expect no additional cost will result from enacting this draft bill. The employees affected by this draft bill are currently under a temporary leave transfer program of negligible cost. We believe implementing the draft bill would result in no outlay except negligible administrative costs.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

ANALYSIS OF DRAFT BILL

The purpose of the draft bill is to authorize the Secretary of Veterans Affairs to establish a five-year leave sharing program, which would permit voluntary transfer of leave and use of a leave sharing bank, by health care professional employees appointed in the Department of Veterans Affairs under title 38, United States Code. It would provide for establishment of a leave sharing program in a manner that is consistent with the provisions of chapter 63 of title 5, United States Code, which authorizes a five-year sharing program for employees appointed under that title. Under that program, as implemented under regulations to be promulgated by the Office of Personnel Management, covered employees, may transfer leave to the account of another employee approved as eligible, by virtue of a medical emergency, to receive donations, and leave banks may be established to accept contributions of annual leave to be made available, by the bank, to an employee requiring the leave.

Section 1 of the draft bill would amend 38 U.S.C. § 4108 by adding a new subsection (e). The intent of section 1 is to give the Secretary the discretion to establish and allow a full range of participation of leave sharing benefits among "title 38" employee. The draft bill would provide the Secretary with the discretion whether to implement the leave sharing program and the discretion to determine its extent.

Section 1 would amend section 4108, the section of title 38 which authorizes the Secretary and the Secretary's predecessor, the Administrator, to prescribe the hours and conditions of employment and leaves of absences of individuals appointed under title 38. Section 1 specifies that any leave sharing program to be implemented would be consistent with the five-year title 5 leave sharing program.

A temporary leave transfer program is currently in operation covering employees appointed under both title 5 and title 38 in the Department, but is due to expire at the end of Fiscal Year 1989. The temporary leave transfer program included "title 38" employees when Public Law No. 100-202 expanded the coverage of that program authorized by the Public Laws Nos. 99-500 and 99-591 and Executive Order 12589. The existing temporary program has worked smoothly and has been available to all Department of Veterans Affairs employees in connection with medical emergencies. The current five-year leave sharing law authorizes pending leave balances in the temporary program to be "carried forward" into the five-year program. The intent of section 1 is that any similar balances pending as to "title 38" employees would, consistent with the title 5, five-year program, be similarly brought forward.

Section 2 of the draft bill would repeal subsection (e) effective five years after the date of enactment of the bill. The five-year term is consistent with the five years authorized in Public Law No. 100-566, which repeals itself after five years.

It is anticipated the draft bill would not, over its five-year term, incur additional costs, and its implementation would result in no outlay of funds except neglible administrative costs.

By Mr. ROCKEFELLER (for himself and Mr. CRANSTON):

S. 900. A bill to amend title 38, United States Code, to extend for 1 year the authorization of the Veterans' Administration to furnish respite care to certain chronically ill veterans and the due date for a report on the results of furnishing such care; to the Committee on Veterans' Affairs.

EXTENSION OF AUTHORITY TO FURNISH RESPITE CARE

Mr. ROCKEFELLER. Mr. President, I am introducing today, along with my colleague Senator CRANSTON, the chairman of the Senate Veterans' Affairs Committee, S. 900, a measure that would extend to September 30, 1990, the Veterans' Administration's authority to furnish respite care to certain chronically ill veterans and extend to February 1, 1990, the date by which the Secretary of Veterans' Affairs is to submit the final report on the evaluation of the respite care program to the House and Senate Veterans' Affairs Committees.

This provision is identical to legislation that I authored last year and which the Committee on Veterans' Affairs included in S. 2011, the Veterans' Compensation Cost-of-Living Adjustment Act. Unfortunately, although there was no disagreement about that particular provision, it was not included in the final bill that Congress passed—H.R. 4741, the Veterans' Compensation Amendments. Measures pertaining to respite care, as well as most other health-related provisions in the bill, were dropped as a result of differences between the House and the Senate over other issues.

In my own State, the Beckley VA Medical Center currently offers respite care services to West Virginia veterans. Since last July, this respite care program has helped families deal with the day-to-day stress of caring for a chronically ill veteran. The Beckley Respite Care Coordinator describes the respite care program as an important VA service that helps families take care of a loved one.

My bill would prevent an interruption of current respite care services being delivered and would encourage more VA medical centers to begin to offer these important services to veterans and their families.

BACKGROUND

The ultimate goal of respite care, which is a relatively new form of care, is to help individuals with chronic illnesses to continue living in their homes as long as possible before having to resort to institutional care—and indeed, the individual may be able to avoid institutional care altogether. It is widely agreed that, when feasible, helping a person live at home is better for the person's overall health status and is a far more efficient and cost-effective way to meet an individual's health care needs.

Very often, the key to a person being able to remain at home is the regular availability of a spouse, child, or other relative or close friend. These individ-

uals provide meals, help around the house or with personal care services that, combined with outpatient treatment, home-health services, or other types of medical attention, meet a veteran's full range of needs. Respite care, by providing scheduled relief for the primary caretaker, helps make it possible to allow a veteran to stay at home.

Recognizing the benefits such a service would afford veterans and their families, Senator CRANSTON first introduced a respite care provision in April 1986 as part of a larger veterans health care bill. Shortly thereafter, Senator MURKOWSKI—who was chairman of the Senate Veterans' Affairs Committee at the time—introduced a veterans health care bill that contained a similar respite care provision. As a result of these joint efforts, a respite care provision was included in S. 2422, the Veterans' Compensation and Benefits Improvements Act, in June 1986, that subsequently passed both Houses, and was included in section 201 of Public Law 99-576, the Veterans' Compensation Amendments.

This provision, which became effective October 28, 1986, provided the VA with the authority to furnish respite care services until September 30, 1989, to a veteran who is eligible to receive hospital or nursing home care under section 610 of title 38. Respite care is defined as hospital or nursing home care of limited duration; is furnished in a VA facility on an intermittent basis to a veteran who is suffering from a chronic illness and who resides primarily at home; and is furnished for the purpose of helping the veteran to continue residing primarily at home.

In addition, under this provision, the Secretary of Veterans' Affairs is required to conduct an evaluation of the health efficacy and cost effectiveness of furnishing respite care, and submit a report to the Senate and House Committees on Veterans' Affairs. The final report will contain the results of the evaluation, including any plan for administrative action, and any recommendation for legislation, that the Secretary considers appropriate.

It was not until November 1987, that guidance from the VA Central Office was provided to medical centers in regard to the admission guidelines and program management requirements necessary to establish a respite care program. One month later, in December 1987, instructions for gathering the data required to appropriately study the cost effectiveness and health efficacy of furnishing respite care were distributed to all medical centers.

VA policy stipulates that respite care may be provided for up to 30 days in a calendar year to eligible veterans who are suffering from a chronic illness and reside primarily at home, and who are recommended for respite care by a VA treatement team. The duration of any one respite care admission is not to exceed 14 days and the frequency of admission is not to exceed once a quarter. The policy prohibits respite care from being provided in an ambulatory care program or domiciliary bed, through a contractual agreement, or in the home. According to the policy, the veteran must be enrolled in and continue in one of the following VA programs: First, post-hospital care; second, adult-day health care [ADHC]; third, hospital-based home care [HBHC]; fourth, outpatient/fee basis care; or fifth, any other outpatient program where VA staff provide care.

VA program management guidelines specify that the respite care program be under the direction of a Respite Care Coordinator—appointed by the medical center chief of staff—who is responsible for coordinating referrals and admissions and orienting the patient and caregiver to the program. An interdisciplinary team, composed of a physician, a nurse, and social worker assigned to the respite care program or composed of the ADHC, HBHC, or mental health interdisciplinary teams, is responsible for screening patients and formulating a respite care treatment plan for each veteran. The respite care treatment plan contains recommendations for the frequency and duration of patient activities while the veteran is in the hospital or nursing home care unit.

EXTENSION OF THE REPORTING PERIOD

Mr. President, the respite cares study as designed by the VA calls for an evaluation of respite care and a comparison of such care to VA HBHC and VA ADHC. Data collection in regard to respite care and HBHC has been completed and information about ADHC is imminent. On February 6, 1989, the VA submitted to the Committee on Veterans' Affairs an interim report on the respite care program indicating that the final report would be submitted to Congress by February 1, 1990. To provide the VA the time they indicate is needed to evaluate the potential benefits and cost effectiveness of respite care, the provision we are introducing today would extend by 1 year both the underlying authority to provide such care and the due date of the report required to be submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives.

EXTENSION OF THE AUTHORITY TO PROVIDE RESPITE CARE

Mr. President, rather than allow the authority for a potentially beneficial program to expire while the evaluation is pending, this measure would authorize the VA to furnish respite care services until September 30, 1990. Based on preliminary data collected by the VA, this program appears to be providing a worthwhile service for veterans and their families.

The VA's February 6 interim report contained the following data: 88 VA medical centers responded to the VA's request for information in regard to patients admitted for respite care. From January through September 1988, 2,329 episodes of care have been recorded. Of veterans admitted to the program, 23 percent are between the ages of 65 and 69, 21 percent are between the ages of 70 and 74, 11 percent are 75-79, 6 percent are 80-84, and almost 10 percent are 85 and over. Interestingly, 82 percent of respite care admissions were "category A" veterans, 12 percent "cagegory B," and 6 percent "category C," as compared to 94 percent "category A," 3 percent "category B," and 3 percent "category C" who otherwise are scheduled for or receive VA hospital, nursing home, or outpatient care.

Almost 80 percent of all veterans that received respite care services were married, and in almost 60 percent of all cases the veteran's informal support system consisted of only one person. The reported reason for the respite care being needed in 81 percent of all cases was that the caregiver needed a rest and in approximately 8 percent of all cases the caregiver was ill.

The February 6 interim report describes the type of care required by veterans in the respite care program. To quantify the level of assistance required by a veteran with activities of daily living [ADL], defined as bathing, dressing, toileting, transferring, feeding, and walking, an ADL score was determined whereby zero represents little, if any, assistance being required and six represents the need for complete care. To date, the data collected reflect that just over 70 percent of respite care participants fell within the range of a three to six ADL score, representing a need for moderate to complete care, with 41 percent receiving an ADL score of six.

Mr. President, I believe that by providing respite care to eligible veterans we are permitting the veteran to maintain a quality of life that, otherwise, would likely be unattainable. By "caring for the caregiver" we are providing the veteran the opportunity to remain within the comforts of his or her own home with the support of family and friends. This program is also designed to help to reduce costs by decreasing the incidents of veterans being admitted to nursing homes or for hospital care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 900

Be it enacted by the Senate and House Representatives of the United States of America in Congress assembled, That (a) section 620B(c) of title 38, United States Code, is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

(b) Section 201(b)(2) of the Veterans' Benefits Improvement and Health Care Authorization Act of 1986 (Public Law 99-576; 100 Stat. 3254) is amended by striking out "February 1, 1989" and inserting in lieu thereof "February 1, 1990".

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to join with my distinguished colleague from West Virginia [Mr. ROCKEFELLER] in introducing this legislation to extend by 1 year, through fiscal year 1990, the Department of Veterans' Affairs authority to furnish respite care to certain chronically ill veterans and extend to February 1, 1990, the date by which the Secretary of Veterans' Affairs is to submit a report on the evaluation of the program to the House and Senate Veterans' Affairs Committees.

Mr. President, the purpose of respite care is to provide relief for the caretakers of chronically ill individuals who without the caretakers' services would likely be institutionalized. Providing care for such a patient at home instead of in an institution is often, many experts contend, better for the patient's overall health and more cost effective than institutional care. Providing the patient with intermittent scheduled stays at a VA medical center gives the caretakers some breaks from their demanding work.

Mr. President, I have for many years actively supported and promoted the VA's pursuit of cost-effective alternatives to institutional care.

Respite care is, in essence, a quality-of-life issue. Home-based care providers, who are usually either a relative or close friend of the patient, provide a full array of care ranging from preparing meals to bathing and dressing the patient. Providing the primary caretaker with a break from the overwhelming responsibilities of caring for a chronically ill loved one is designed to make the caregiver more likely to be able to provide services for a longer period of time, thus allowing the patient to remain at home. In many instances, maintaining patients in their homes will improve the quality of life for the veteran-patients themselves and the veterans' families.

Mr. President, on April 30, 1986, I introduced S. 2388 which included a provision authorizing the Department of Veterans' Affairs to furnish respite care. A provision derived from that measure and also derived from a provision introduced by then chairman of the Veterans' Affairs Committee, Senator FRANK MURKOWSKI, on May 13, 1986, was enacted in section 201 of Public Law 99-576.

Under Public Law 99-576, respite care is defined as hospital or nursing home care which: First, is of limited duration; second, is furnished in a VA facility on an intermittent basis to a veteran who is suffering from a chronic illness and who resides primarily at home; and third, is furnished for the purpose of helping the veteran to continue residing primarily at home.

Current law authorizes the VA to furnish respite care services until September 30, 1989, and requires the Secretary of Veterans' Affairs to conduct an evaluation of the efficacy and cost effectiveness of the program and report the results of the evaluation to the Veterans' Affairs Committees by February 1, 1989. The Department of Veterans' Affairs submitted an interim report on February 6, 1989, and this preliminary data indicates that the program is providing a worthwhile service to veterans and their families. Additionally, the Department of Veterans' Affairs indicated in its letter accompanying the report that the final report preparation had begun but the report will not be complete until February 1, 1990.

Mr. President, Senator ROCKEFELLER and I are introducing this measure to provide the Department of Veterans' Affairs with adequate time to conduct a thorough review of this important pilot program. Therefore, we are proposing to extend for 1 year, to February 1, 1990, the date for submission of the final report. Because the initial data for submission of the final report. Because the initial data on the program indicate that it is beneficial and because we believe that the services that the program provides for veterans and their families should continue while Congress considers the future of the program after receiving the evaluation report, we are also proposing to extend for 1 year the Department of Veterans' Affairs authority to provide this service.

I urge my colleagues to support this measure.

By Mr. THURMOND (for himself, Mr. PRYOR, Mr. HOLLINGS, Mr. HELMS, Mr. KASTEN, and Mr. GORE):

S.J. Res. 114. Joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; to the Committee on Commerce, Science, and Transportation.

BUY AMERICAN

Mr. THURMOND. Mr. President, today, I am introducing a joint resolution which expresses the sense of the Congress that Americans should purchase American products and services. Senators PRYOR, HOLLINGS, HELMS, KASTEN, and GORE have joined me as original cosponsors. In the 100th Congress, I introduced an identical resolution, Senate Joint Resolution 258, which was referred to the Committee on Commerce, Science, and Transportation. However, no further action was taken.

The high concentration of foreign imports has contributed to our tremendous trade deficit. Foreign countries have flooded our markets with products which are often subsidized and produced at minimal cost.

We must now remind the American public that products made in the U.S.A. provide us with our much treasured asset—jobs. Each time we purchase a product that is manufactured in this country, we are providing a boost to our economy and are helping prevent the exportation of American jobs.

If Americans will realize the seriousness and magnitude of their failure to buy American-made goods, products, and services and will begin to "think American," our country's trade deficit can only decrease. This resolution will stress the importance of buying American.

Mr. President, it has been called to my attention that the Jaycees of America are heavily promoting the buy American movement. I am pleased that these young Americans have undertaken the effort to express their buy American sentiments and I encourage other organizations to do the same.

In closing, I ask my colleagues to adopt this joint resolution which will call upon the President, governors, and mayors to issue proclamations which ask the American people to buy American. I ask unanimous consent that the text of the resolution be printed in the RECORD immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 114

Whereas working men and women in the United States are striving to produce excellent products and provide excellent services;

Whereas many products made in the United States and services provided in the United States are of higher quality and cost less than the equivalent product produced, or service performed, outside of the United States;

Whereas most consumers in the United States do not know the country of origin of most of the products they buy or the services they receive;

Whereas the United States is suffering from a huge and growing trade deficit;

Whereas the Congress is working to provide job opportunities for people in the United States who are unemployed as a result of imports, and to reduce the trade deficit; and

Whereas the people of the United States can help create jobs in the United States and reduce the trade deficit by purchasing products made in the United States and

services provided in the United States, whenever possible, instead of products made or services performed outside of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) it is the sense of Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside of the United States;

(2) the President of the United States, the Governors of the States, and the mayors of municipalities are requested to issue proclamations calling upon the people of the United States to promote this policy and practice with appropriate ceremonies and activities;

(3) the leaders of civic and consumer organizations and media of mass communication are requested—

(A) to assist in promoting the awareness of American consumers of the importance of selecting goods produced or manufactured and services provided in the United States; and

(B) to assist such consumers in identifying such American goods and services and the merchants from whom they may be acquired; and

(4) producers and manufacturers of goods in the United States are requested and encouraged to make every effort to label and advertise the United States origin of such goods.

Mr. PRYOR. Mr. President, a little over a year ago, when I first joined with Senator THURMOND to introduce our Buy America resolution, I had no concept of the amount of support it would gather throughout our country. In its early days the idea of a nationwide Buy America program was the idea of a small group of dedicated patriotic people who believe in our country, its products and the importance of restoring pride in our own goods as a way to alleviate our own economic problems.

Now this original group has been joined by State and local officials, business people, retired citizens, labor organizations, and civic groups to spread the word about the importance of Buy America. The Jaycees of America, under the leadership of Andy Tobin, are especially to be complimented on the way they have taken the initiative and seized this project as a top priority for the year. In fact, I'm proud to say our Arkansas State Jaycee president Robert Cannon has made it a full-time effort. With the energies of groups such as these behind it, I believe the objectives of Buy America can be accomplished.

We have all become more and more aware of the economic and personal toll that has resulted from the loss of jobs due to unfair trading practices of some of our foreign allies. For example, in 1970, Arkansas firms employed 4,200 textile workers, 16,000 apparel workers, and 7,950 shoe workers. By 1987 that number had shrunk to 1,800 textile workers, 10,700 apparel workers, and 4,920 shoe workers. This problem is not just limited to employees of the manufacturing industry. The agricultural, timber, and oil sectors of our economy have become depressed and offer little or no new employment opportunity.

In Arkansas we first saw the idea of the Buy America concept when it was implemented in Wal-Mart stores by its chairman Sam Walton of Bentonville. He has worked with American manufacturers to provide the leadtimes, specifications, levels of cooperation, and assured markets necessary to them to install the improved equipment and machinery necessary to increase their productivity and product quality while offering the lowest possible price. He has proven the value of working to develop American suppliers rather than turning automatically to those overseas.

The idea of spreading this practice nationwide came from a longtime friend of mine, Mr. Harold Jinks, of Piggot, AR. Retired now, Harold has spent his life in public service and continues to work full time for programs that will benefit the country he loves. He personally has given thousands of hours at his own expense to establishing the Buy America program and signing up supporters all over the country.

Our resolution is a simple one. It calls on the President, the Governors, and the mayors to promote the Buy-American concept by issuing proclamation calling on the American people to support American manufacturing and service providers. It also requests civic leaders, consumer organizations, the mass media, and manufacturers to do all they can to promote awareness of the origin of goods and services and the importance of selecting American-made goods and services.

In truth, we realize that such a joint resolution cannot by itself end the trade deficit. However, we believe the American people are patriotic and are concerned about doing their part to protect American industries and jobs. When given the choice, our people want to be able to buy an American product.

Whether it be an automobile or a blouse, a television set or a tractor, the American consumer makes million of purchases each day. We hope our colleagues will join us in our campaign to influence these purchase decisions and thus save the jobs of thousands of working men and women in this country.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 198, a bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs.

S. 335

At the request of Mr. MCCAIN, the names of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under Part B of the Medicare program, with the exception of the spousal impoverishment benefit.

S. 391

At the request of Mr. DOMENICI, the names of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 391, a bill to reform the budget process.

S. 416

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost of living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 419

At the request of Mr. SIMON, the names of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 431

At the request of Mr. NUNN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 431, a bill to authorize funding for the Martin Luther King, Jr., Federal Holiday Commission.

At the request of Mr. BREAUX, his name was added as a cosponsor of S. 431, supra.

S. 432

At the request of Mr. ROCKEFELLER, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 432, a bill to direct the Secretary of Transportation to identify scenic and historic roads and to develop methods of designating, promoting, protecting, and enhancing roads as scenic and historic roads.

S. 454

At the request of Mr. ROCKEFELLER, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 454, a bill to provide additional funding for the Ap-

palachian development highway system.

S. 455

At the request of Mr. ROCKEFELLER, the names of the Senator from Kentucky [Mr. FORD], the Senator from Maryland [Mr. SARBANES], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 455, a bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs.

S. 499

At the request of Mr. CRANSTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 499, a bill to amend the National Security Act of 1947 to make the Secretary of Commerce a member of the National Security Council.

S. 511

At the request of Mr. INOUYE, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 511, a bill to recognize the organization known as the National Academies of Practice.

S. 519

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois [Mr. SIMON], the Senator from Iowa [Mr. HARKIN], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 519, a bill to prohibit smoking on any scheduled airline flight in intrastate, interstate, or overseas air transportation.

S. 573

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 573, a bill to amend title 38, United States Code, to provide for third-party reimbursement of the United States for the cost of health care and services furnished a service-connected disabled veteran by the Department of Veterans' Affairs for a nonservice-connected disability.

S. 590

At the request of Mr. HEFLIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 590, a bill to prohibit injunctive relief, or an award of damages against a judicial officer for action taken in a judicial capacity.

S. 593

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 593, a bill to exempt certain activities from provisions of the antitrust laws.

S. 630

At the request of Mr. BREAUX, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 630, a bill to conserve, protect, and to restore the coastal wetlands of the State of Louisiana, and for other purposes.

S. 708

At the request of Mr. BRADLEY, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. ROBB], the Senator from California [Mr. CRANSTON], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 708, a bill to amend titile V of the Social Security Act to promote the integration and coordination of services for pregnant women and infants to prevent and reduce infant mortality and morbidity.

S. 714

At the request of Mr. MCCLURE, the names of the Senator from Wyoming [Mr. WALLOP] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 814

At the request of Mr. DOMENICI, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 838

At the request of Mr. HEFLIN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 838 a bill to repeal the estate tax inclusion related to valuation freezes.

SENATE JOINT RESOLUTION 47

At the request of Mr. PRESSLER, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 47, a joint resolution to recognize the 75th anniversary of the Smith-Lever Act of May 8, 1914, and its role in establishing our Nation's system of State Cooperative Extension Services.

SENATE JOINT RESOLUTION 55

At the request of Mr. SIMON, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Maine [Mr. COHEN], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 65

At the request of Mr. SIMON, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating June 12, 1989, as "Anne Frank Day."

SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from North Dakota [Mr. BURDICK], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating November 17, 1989, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 103

At the request of Mr. BRADLEY, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 103, a joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 110

At the request of Mr. SIMON, the names of the Senator from Virginia [Mr. ROBB], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 110, a joint resolution designating October 5, 1989, as "Raoul Wallenberg Day."

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

SENATE RESOLUTION 113

At the request of Mr. HEINZ, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of Senate Resolution 113, a resolution to discontinue the use of polystyrene foam products in the Senate food services.

SENATE RESOLUTION 114

At the request of Mr. GRAHAM, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Hawaii [Mr. INOUYE], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Resolution 114, a resolution concerning the restoration of Eastern Airlines.

SENATE CONCURRENT RESOLUTION 31—RELATING TO THE 1993 WORLD UNIVERSITY GAMES

Mr. MOYNIHAN (for himself and Mr. D'AMATO) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 31

Whereas the City of Buffalo has been endorsed by the United States Collegiate Sports Council to be the United States host city for the 1993 summer World University Games;

Whereas Buffalo is competing with Shanghai, People's Republic of China, to host the Games;

Whereas Buffalo, through the Greater Buffalo Athletic Corporation, is applying to the International University Sports Frederation to be the host city for the 1993 Summer World University Games;

Whereas since 1923, the International University Sports Federation, which organizes, promotes, and administers the World University Games, has been recognized throughout the world as an outstanding organization dedicated to international collegiate amateur sports competition;

Whereas the World University Games have a long and demonstrated record as a premier international amateur sports event, second only to the Olympic Games;

Whereas the World University Games exemplify the heritage of peace and goodwill associated with amateur sports competition;

Whereas the World University Games would be an exceptional opportunity for the athletes from the different nations of the world to share their cultures with each other and the citizens of the United States and New York;

Whereas the summer World University Games have never been held in the United States;

Whereas the 1993 summer World University Games would bring over 7,000 amateur athletes and several hundred thousand visitors to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the application of the Greater Buffalo Athletic Corporation to have Buffalo, New York, host the 1993 summer World University Games;

(2) urges the Secretary of State to provide assistance, if the 1993 summer World University Games are held in Buffalo, to the organizers of the Games by implementing special ease of entry procedures for the foreign athletes competing in the Games;

(3) supports the efforts of New York, the Greater Buffalo Athletic Corporation, and community leaders to ensure that the highest caliber athletic facilities are made available for the 1993 summer World University Games if they are held in Buffalo.

Mr. MOYNIHAN. Mr. President, I rise to introduce a resolution giving the support of the Senate to the efforts by the city of Buffalo to host the 1993 World University Games. Buffalo was chosen over a dozen other American cities to be this country's nominee to be the host city. Buffalo is competing with Shanghai, People's Republic of China, for this honor, and will learn the decision of the International University Sports Federation next month. If Buffalo is chosen to host the games, it will be the first American city to do so.

The World University Games is a major sporting event, near in impact to that of the Olympics. Some 7,000 athletes from over 100 countries would come to this country to compete, and an entourage of cultural exhibitions would accompany them. This is a tremendous opportunity for the United States, and one that fully deserves our support. The same resolution is under consideration in the House.

It is past time for the World University Games to take place here. Our proposal is strong, but the support of Congress would add significantly to its appeal. I urge each of my colleagues to help bring the games to the United States in 1993.

SENATE RESOLUTION 116—COMMEMORATING THE 50TH ANNIVERSARY OF THE UNITED JEWISH APPEAL

Mr. LAUTENBERG (for himself, Mr. BRYAN, Mr. DASCHLE, Mr. BOREN, Mr. ROCKEFELLER, Mr. EXON, Mr. LIEBERMAN, Mr. BRADLEY, Mr. PRESSLER, Mr. PELL, Mr. DODD, Mr. FOWLER, Mr. LEVIN, Mr. REID, Mr. BAUCUS, Mr. INOUYE, Mr. MITCHELL, Mr. SASSER, Mr. BURDICK, Mr. HOLLINGS, Mr. METZENBAUM, Mr. KENNEDY, Mr. DECONCINI, Mr. CONRAD, Mr. MATSUNAGA, Mr. LEAHY, Mr. WIRTH, Mr. KOHL, Ms. MIKULSKI, Mr. GLENN, Mr. BENTSEN, Mr. GRAHAM, Mr. SASSER, Mr. DIXON, Mr. SARBANES, Mr. WILSON, Mr. GORTON, Mr. DOLE, Mr. GRAMM, Mr. COCHRAN, Mr. COHEN, Mr. CHAFEE, Mr. WARNER, Mr. ROTH, Mr. COATS, Mr. PACKWOOD, Mr. D'AMATO, Mr. SIMPSON, Mr. GARN, Mr. BOSCHWITZ, Mr. HEINZ, Mr. DURENBERGER, Mr. SPECTER, Mr. MURKOWSKI, and Mr. JEFFORDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 116

Whereas the United Jewish Appeal was born out of Kristallnacht, the "Night of Broken Glass" November 9, 1938, which many believe was the beginning of the Holocaust that killed 6 million Jews;

Whereas the "Night of Broken Glass" left an open wound on the hearts of Jews in every nation; for American Jewish leaders 6,000 miles away, it was a turning point and a catalyst, causing them to realize that only a centralized fundraising body would be able to mobilize the resources needed to meet the coming crisis for the Jews of Europe;

Whereas, the United Jewish Appeal, popularly called UJA, was born two months later;

Whereas, on January 10, 1939, a charter was signed that established the UJA as the central American Jewish fundraising organization;

Whereas the purpose of the organization was to work for the relief and rehabilitation of Europe, the immigration to and settlement in the land of Israel of Jews, and to the aid of refugees in the United States;

Whereas, since its founding, the UJA has served as a model of American Jewish concern for Israel, symbolizing the Jewish lifeline extended by the Jews of America to preserve and strengthen Jewish life everywhere it exists throughout the world;

Whereas, while UJA is primarily devoted to fundraising, it has come to be, through its strong and dedicated leadership, a central force through which the American Jewish community asserts its commitments and interests and makes its views known to the entire country on matters of American policy toward Israel, U.S.-Soviet relations, and other matters of concern;

Whereas, UJA at 50 makes possible today's in-gathering of refugees and others into Israel and future growth throughout the country, provides continuing care for the remnant of Jews in Eastern Europe, and preserves Jewish continuity in 33 countries around the world;

Whereas, UJA funds have contributed to the rescue, rehabilitation, and resettlement of more than 3 million men, women, and children, more than 1.8 million of them in Israel;

Whereas, the UJA/Federation Campaign represents the Jewish community's commitment to Jewish continuity, providing the help that would not be there otherwise;

Whereas, the UJA will mark its 50th anniversary during the 1989 campaign year from August 1988 to July 1989 with a host of special programs and events to call attention to the organization's history, its ongoing work on behalf of the Jewish people, and its role in American life: Therefore, be it

Resolved, That:

1. The U.S. Senate congratulates the United Jewish Appeal for its outstanding work on behalf of Jews all over the world;

2. Urges the UJA to continue its good work on behalf of human rights and human dignity throughout the world, and wishes it great success in the coming years.

● Mr. LAUTENBERG. Mr. President, I rise today to submit a Senate resolution to commemorate the 50th anniversary of the United Jewish Appeal [UJA] this year.

UJA was born in the aftermath of Kristallnacht, the "Night of Broken Glass" in November 9, 1938, which many believe was the beginning of the Holocaust. On that night throughout Nazi Germany and Austria, Jewish homes, synagogues, and stores were assaulted, scores of Jews were beaten and killed, and places of worship were burned to the ground. For American Jewish leaders 6,000 miles away, Kristallnacht was a turning point and a catalyst. It caused them to realize that only a centralized fundraising body would be able to mobilize the resources needed to meet the coming crisis for the Jews of Europe.

On January 10, 1939, UJA was established as the central American Jewish fundraising organization. Its purpose was to work for the relief and rehabilitation of Europe, Jewish immigration to and settlement in Israel, and for the aid of refugees in the United States. Since its founding, the UJA has served as a model of American Jewish concern for Israel, symbolizing the Jewish lifeline extended by American Jews to preserve and strengthen Jewish life throughout the world. Last year, the organization raised about $720 million from roughly a third of all Jewish households in the United States.

UJA at 50 makes possible today's ingathering of refugees and others into Israel, provides continuing care for the remnant of Jews in Eastern Europe, and preserves Jewish continuity in 33

countries around the world. UJA funds have contributed to the rescue, rehabilitation, and resettlement of more than 3 million men, women, and children, more than 1.8 million of them in Israel. The UJA/Federation campaign represents the Jewish community's commitment to Jewish continuity, providing the help that would not be there otherwise.

Since UJA will mark its 50th anniversary during the 1989 campaign year from August 1988 to July 1989 with a host of special programs and events, it is appropriate for Congress to acknowledge these special efforts with a resolution commending UJA for its efforts.●

SENATE RESOLUTION 117—DIRECTING AN APPEARANCE BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 117

Whereas, in *United States ex rel. Newsham, et al. v. Lockheed Missiles and Space Company, Inc.*, No. CV 88-20009 RPA, pending in the United States District Court for the Northern District of California, the constitutionality of the *qui tam* provisions of the False Claims Act, as amended by the False Claims Amendments Act of 1986, Pub. L. No. 99-562, 100 Stat. 3153 (1986), 31 U.S.C. §§ 3729 *et seq.* (1982 & Supp. V 1987), have been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *United States ex rel. Newsham, et al. v. Lockheed Missiles and Space Company, Inc.*, to defend the constitutionality of the *qui tam* provisions of the False Claims Act.

AMENDMENTS SUBMITTED

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

NUNN (AND OTHERS) AMENDMENT NO. 67

Mr. NUNN (for himself, Mr. HELMS, Mr. MITCHELL, Mr. DOLE, Mr. KENNEDY, and Mr. SANFORD) proposed an amendment to the bill (S. 431) to authorize funding for the Martin Luther King, Jr. Federal Holiday Commission; as follows:

On page 3, line 17, strike out "4" and insert "5".

On page 3, line 23, strike out "5" and insert "6".

On page 3, between lines 16 and 17, insert the following new section:

SEC. 4. RESTRICTIONS ON ACTIVITIES OF THE COMMISSION.

Section 6 of Public Law 98-399 (98 Stat. 1474) is amended by adding at the end thereof the following new subsection:

"(c) In carrying out the responsibilities of the Commission under this Act, the Commission shall not make any expenditures, or receive or utilize any assistance in the form of the use of office space, personnel, or any other assistance authorized under subsection (b), for any of the following purposes—

"(A) training activities for the purpose of directing or encouraging—

"(i) the organization or implementation of campaigns to protest social conditions, and

"(ii) any form of civil disobedience.".

At the end of the bill, add the following:

SEC. 7. REPEALER.

Section 5(c) of Public Law 98-399 (98 Stat. 1474) is repealed.

HELMS AMENDMENT NO. 68

Mr. HELMS proposed an amendment to amendment No. 68 proposed by Mr. NUNN (and others) to the bill S. 431, supra, as follows:

On page 2, after line 11, at the end of the proposed subsection (c) to section 6 of Public Law 98-399 (98 Stat. 1474) of the amendment numbered 67, add the following:

"(B) lobbying activities with respect to any State or local government official with the intent of encouraging or influencing the enactment of legislation.".

HELMS AMENDMENT NO. 69

Mr. HELMS proposed an amendment to amendment No. 67 proposed by Mr. NUNN (and others) to the bill S. 431, supra, as follows:

On page 2, after line 11, at the end of the proposed subsection (c) to section 6 of Public Law 98-399 (98 Stat. 1474) of the amendment numbered , add the following new paragraph:

"(B) activities relating to the exercising of any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system.".

HELMS AMENDMENT NO. 70

Mr. HELMS proposed an amendment, which was subsequently modified, to amendment No 67 proposed by Mr. NUNN (and others) to the bill S. 431, supra, as follows:

At the end of the amendment, add the following:

"The Congress finds that:

The ideas expressed in the Declaration of Independence have inspired freedom-loving people throughout the world.

The eloquent language of the Declaration of Independence has stirred the hearts of the American people.

The Declaration of Independence ranks as one of the greatest documents in human history.

On July 2, 1952, a bronze replica of the Declaration of Independence was presented to Congress for display in the Rotunda of the United States Capitol.

On July 22, 1988, the bronze replica of the Declaration of Independence was moved from the Rotunda of the Capitol to the small House Rotunda between the Capitol Rotunda and Statuary Hall.

The bronze replica of the Declaration of Independence was replaced in the Rotunda by a bust of Martin Luther King, Jr.

It is the Sense of the Congress that the bronze replica of the Declaration of Independence should, forthwith, be returned to a place of prominence in the Rotunda of the United States Capitol where it shall remain on permanent display.".

HELMS AMENDMENT NO. 71

Mr. HELMS proposed an amendment to amendment No. 67 proposed by Mr. NUNN (and others) to the bill S. 431, supra, as follows:

At the end of the amendment, add the following:

SEC. . PERSONAL CONTRIBUTIONS BY MEMBERS OF CONGRESS.

It is the Sense of the Congress that each Member of Congress who supports the use of federal funds by the Martin Luther King Federal Holiday Commission should make a personal contribution to the Commission in the amount of $1,000.

BIDEN AMENDMENT NO. 72

Mr. BIDEN proposed an amendment to the bill S. 431, supra, as follows:

On page 2, insert between lines 16 and 17, the following:

(c) REESTABLISHMENT AFTER TERMINATION.—If the date of the enactment of this Act occurs on or after April 20, 1989, the Martin Luther King, Jr., Federal Holiday Commission shall be reestablished on the date of the enactment of this Act with the same members and powers that the Commission had, as provided in Public Law 98-399 (98 Stat. 1473), on April 19, 1989 (subject to this Act and the amendments made by this Act).

On page 3, line 16, insert before the period "(pursuant to section 4(a) of Public Law 98-399 (98 Stat. 1473) or section 2(c) of this Act, as appropriate)".

OMNIBUS CONGRESSIONAL BUDGET RESOLUTIONS

SYMMS (AND OTHERS) AMENDMENT NO. 73

Mr. DOMENICI (for Mr. SYMMS, for himself, Mr. BOND, Mr. HATCH, Mr. HELMS, Mr. MCCONNELL, Mr. WALLOP, Mr. WILSON, and Mr. GRAMM) proposed an amendment to the concurrent resolution (S. Con. Res. 30) setting forth the congressional budget for the U.S. Government for fiscal years 1990, 1991, and 1992, as follows:

At the end of the concurrent resolution, add the following new section:

FUEL EXCISE TAXES

SEC. . (a) The Senate finds that—

(1) Federal excise taxes are regressive in that a lower income individual must use a higher percentage of his income to pay the taxes than a higher income individual:

(2) adding 10 cents or more per gallon to the cost of fuel will have a devastating

effect on the Nation's economy in that such an increase would—

(A) reduce the gross national product by $10 billion in the first year,

(B) reduce automobile production by 1.3 percent,

(C) reduce housing construction by 0.9 percent,

(D) increase unemployment by 80,000 in the first year and 180,000 by the third year,

(E) reduce petroleum refinery output by 1.2 percent,

(F) reduce income tax revenues by almost $1 billion annually,

(G) reduce personal savings by nearly 3 percent, and

(H) increase the Consumer Price Index by 0.3 percent;

(3) it would be discriminatory for one portion of the Nation's population, highway users, to pay an additional tax in order to reduce the Federal deficit, thereby forcing this segment to shoulder a greater share of our Nation's financial burden;

(4) it would be inequitable for individuals to contribute to Federal deficit reduction based on the number of miles driven per year;

(5) Federal highway and public transit programs are funded at levels significantly lower than documented needs requiring States to provide funds to fill that shortfall;

(6) an increase in the Federal tax on gasoline and diesel fuel—

(A) inhibits the ability of State and local governments to raise revenues to fund transportation projects, and

(B) reduces the revenues for State and local government fuel taxes unless State and local governments increase their taxes; and

(7) total motor fuel taxes (including State and local taxes) account for nearly 25 percent of the retail price of gasoline and about 29 percent of the retail price of diesel fuel making motor fuel among the most heavily taxed essential items in the Nation.

(b) It is the sense of the Senate that the assumptions underlying the revenue totals included in this resolution do not include an increase in Federal excise taxes on gasoline and diesel fuel.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS AND THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a Hearing on Thursday, May 11, 1989, beginning at 2:30 p.m., in 485 Russell Senate Office Building on amendments to S. 321, the Buy Indian Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a joint hearing with the Committee on Rules and Administration on Friday, May 12, 1989, beginning at 9:30 a.m., in 301 Russell Senate Office Building, on a bill to establish a National Indian Museum within the Smithsonian Institution.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that field hearings have been scheduled before the Committee on Energy and Natural Resources.

The hearings will take place on June 16, 17, and 19, 1989, in San Juan, PR. The time and location of the hearings will be announced at a later date.

The purpose of the hearings is to receive testimony on S. 710, S. 711, and S. 712, legislation to provide for a referendum on the political status of Puerto Rico.

Those wishing to testify must send a brief written summary of their proposed testimony with their name, address, phone number and a short biography to Pat Temple, Committee on Energy and Natural Resources, U.S. Senate, Room SD-364, Washington, DC 20510, no later than Friday, May 26, 1989. The committee will make every effort to accommodate as many people as possible in the limited time available. If there are more requests to testify than can be accommodated, then it will be necessary, in the interest of fairness, to select witnesses at random through a drawing of names. The committee will make every effort to hear as many perspectives on this important issue as possible.

If you would like to submit a written statement for the hearing record, but are unable to testify in person, please send two copies of your statement to Pat Temple, Committee on Energy and Natural Resources, Room SD-364, Washington, DC 20510, with a letter requesting that your statement be made a part of the record.

For further information, please contact Pat Temple at (202) 224-4756. For press inquiries, contact Claire Miller at (202) 224-0091.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 2 p.m., May 2, 1989, to receive testimony on S. 247, the State Energy Conservation Programs Improvement Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 2 at 3 p.m., to hold hearings on the review of the President's Annual International Narcotics Control Strategy Report [INCSR].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, May 2, 1989, at 9:30 a.m., on hearing subject: "Export Control Over Chemical/Biological Materials—Organizational Challenges for the 1990's."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMERS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 2, 1989, at 9:30 a.m., to hold a hearing on "Global Warming: Corporate Average Fuel Economy [CAFE] Standards."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee on Armed Services be authorized to meet on May 2, 1989, at 8:30 a.m., in open session to receive testimony on the future Navy surface forces in review of the fiscal years 1990 and 1991 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, May 2, 1989, at 10 a.m., to conduct a hearing on "Adolescent Substance Abuse: Barriers to Treatment."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 2, 1989, at 10 a.m., to hold a hearing on the nomination of Kenneth Winston Starr to be Solicitor General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Sub-

committee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet on Tuesday, May 2, 1989, at 9:30 a.m., in open session to receive testimony on ballistic and cruise missile proliferation in the Third World.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 2 at 10 a.m., to hold hearings on foreign assistance authorization for fiscal year 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 3, 1989, at 9 a.m., in open session to receive testimony on the amended Defense authorization request for fiscal years 1990 and 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to met during the session of the Senate on Tuesday, May 2 at 1:30 p.m., to hold hearings on State Department nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AMTRAK'S FUTURE

● Mr. BIDEN. Through much of the 1980's, rail passenger service, and Amtrak in particular, has been a notion under siege. In each of its budget requests of recent years, the Reagan administration called for dismantling Amtrak, and on a yearly basis Congress rejected that proposal. And while the Amtrak system survived, during the Reagan years there was almost no active consideration of the role of rail service in our Nation's transportation plans. It is time for us to look to Amtrak to fill important roles in our future transportation plans.

Since its creation in 1971, Amtrak has largely been viewed as a creature of the Northeast. That is where its resources are concentrated and the region accounts for most of the system's current ridership. Indeed, efficient transportation in the Northeast is as crucial to the economic health of that region as are water projects to California and the arid Southwest or the construction of hydropower dams were to the Northwest.

But the idea that Amtrak should be limited to the Northeast is a shortsighted one. It is a perception that is, unfortunately, a significant roadblock to development of an improved rail system in this country.

What would have happened if the Reagan administration had won its fight, if Amtrak has been terminated? For starters, billions in capital investment would have been wasted, taxpayers would have paid more, and intercity rail service in this country would have ended forever. We would have been much worse off, not only in the Northeast region, but as a nation.

Amtrak survived the constant jabs at its existence by the administration and, in fact, developed an excellent record during that time. Dependence on Federal revenues has been reduced, tracks and control systems along the Northeast corridor have been improved, and ridership is at an all-time high.

A recent front-page article in the New York Times described many of the improvements Amtrak has made in service. The outmoded equipment Amtrak inherited has been updated or replaced. Passengers have noticed the difference. Amtrak carried 21.5 million passengers last year and earned over $1 billion in revenues.

The article also describes what lies ahead for Amtrak. Continuing increases in demand for passenger railroad transportation are testing the limits of Amtrak's resources. Equipment is aging. Capital needs are rising.

In the next few years, we need to look at increasing the resources available to Amtrak so it will be able to meet increasing demands on its existing system. This must be accompanied by continued improvements in ridership, service, revenues and rate of return ratios. Improved performance is a potent argument in support of maintaining our commitment to Amtrak in the short term.

For the long term, we need to look at Amtrak's role in our overall transportation policy. As congestion increases not only in the Northeast, but also in areas like southern California, Florida, and the Great Lakes region, we must drop our national blinders to rail as a possible solution. We cannot continue to address gridlock solely through the addition of more highway lanes or airport terminals.

In addition, we must resist the temptation to view the Nation as seven distinct and unrelated regional economies. The balkanization of our Nation which underpinned so many Reagan administration proposals is a strategy for disaster.

There is a stark contrast between the way our national leadership has denigrated rail transportation and how the Europeans have put it to use. As the Reagan administration was looking to put more and more Americans on to highways or in the air, the European Community was moving in the opposite direction. In fact, the EC has unveiled plans to expand dramatically its high-speed rail system to the corners of Europe, including links to Lisbon, Naples, Stockholm, and Edinburgh.

It is an ambitious plan, one that not even the strongest advocate of rail travel believes will be matched in this country. However, it does set an example of what is possible, of how much more of a role rail travel could have in this country. It is unmistakable evidence that rail is a realistic option.

Any chance of an efficient, albeit smaller rail system in this country must recognize the following points. First, we cannot let the existing system rot in front of us. That is what happened to predecessor railroads and it took more than a decade to recover. We must maintain a solid base to build from.

Second, we must look to fully integrating the system. Passengers who arrive on time in city A, but then face long delays for their connection to city B will not be passengers for long. Similarly, passengers who arrive at city B but have difficulty gaining access to public transportation will quickly find alternatives.

Third, a realistic timetable for establishment of the system must be developed. An up-to-date, widespread, efficient system will not be in place in 5 years or maybe even 10. We need to look at rail in the long-term and plan accordingly.

So as we look to the Federal budget for 1990, it is not unreasonable to think of our transportation needs of the next decade. Does anyone believe that Amtrak could be resurrected tomorrow if it was gutted today? Does anyone believe we can continue to simply add more and more highway lanes ad infinitum? Does anyone believe airports can be easily constructed to handle projected traffic increases?

In recent statements, Secretary of Transportation Samuel Skinner has signalled a much-needed change by this administration in our Nation's policy toward passenger rail service. After a half decade of repeated attacks, Federal policy is beginning to recognize the role Amtrak can have in our transportation policy.

It is a start, not the end, of the development of a balanced program. Congress must make sure that it does not take the same short sighted approach to rail transportation that the railroad companies did in the 1970's. It is a mistake we cannot afford to repeat.●

IMMIGRATION REFORM—S. 448

● Mr. BOSCHWITZ. Mr. President, I am pleased to cosponsor S. 448, legisla-

tion introduced by Senator SIMON to reform our legal system of admitting immigrants to the United States. Two years ago, Congress passed landmark legislation on illegal immigration. Today, I rise to support a bill to assist those who wait patiently to come into the United States legally.

Immigration is one of the keys to America's dynamism and success. Senator SIMON's bill strengthens America's generous immigration policies while maintaining the family as the cornerstone of U.S. immigration. There are a number of features of Senator SIMON's bill that I find particularly attractive—some of which, in fact, I called for when the Senate discussed legal immigration reform last year.

First, S. 448 maintains our current policy of unlimited visas for immediate relatives of U.S. citizens.

Second, the Simon bill doubles the number of visas in the second preference category—spouses and children of permanent residents. Under current law, the waiting period for obtaining a visa for those in this category can be up to 12 years.

Third, S. 448 increases by one-fourth the number of visas available under the fifth preference. This category allows U.S. citizens to petition for their adult brothers and sisters to come to the United States. Fifth preference, however, is already heavily subscribed and the waiting period for a visa in some Asian nations is as long as 15 years.

Finally, Senator SIMON's legislation provides for 54,000 new independent visas to be allocated according to a point system. The proposed system would give points for an applicant's age, education, job skills, and other factors. This category would give an opportunity to those who live in countries that are underrepresented in our current immigration flow.

Mr. President, I think that S. 448 offers a sensible approach to immigration reform. It is my sincere hope that the features of this bill that I have discussed today will be incorporated in the legal immigration reform that Congress enacts.●

CEDAR FALLS HIGH SCHOOL, CEDAR FALLS, IA

● Mr. HARKIN. Mr. President, this week, in our Nation's Capitol, over 950 young people from 44 States have gathered to participate in the National Bicentennial Competition on the Constitution and Bill of Rights. I am proud to announce that a team from Cedar Falls High School, Cedar Falls, IA, is representing my State. These young scholars have worked hard to reach the national finals by winning the district and the State competitions and I would like to wish them the best as they compete for the national title.

The members of the Iowa team are: Chris Babinat, Melissa Barnholtz, Marc Barry, Jonathon Brundrett, Aaron Cain, Brooke Carey, Eric Collins, Warren Curry, Brenda Dahlin, Jackie Dewey, Aaron Durchenwald, Sarah FIsher, Barbara Franke, Nicole Frink, Jerod Gross, Matt Gutknecht, Jason Hamrock, Rick Hansen, Zach Johnson, Darcy Juhl, Susan Kerns, Kimberly Knight, Sheryl Rammelsberg.

Along with the students, their teacher, Kelvin Schuchart deserves much of the credit for the success of the team to date. As well, Linda Martin, the district coordinator, and Barbara Romar, the State coordinator have worked hard to help their team reach the finals.

The National Bicentennial Competition on the Constitution and Bill of Rights is the most extensive educational program in the country developed to educate young people about the Constitution and Bill of Rights. With the support of Congress, the active involvement of Representatives and Senators, and the efforts of thousands of civic and education leaders, the program achievements over the past 2 years have been dramatic: 1,022,320 students have studied the curriculum; 14,381 teachers are teaching the course; 420 congressional districts and the five territories have fully functioning programs; 92 U.S. Senators are supporting the program in their States; and 393 U.S. Representatives are participating in their districts.

The program orovides students with a specially designed 6-week course of study designed to provide upper elementary, middle and high school students with a fundamental understanding of the Constitution and Bill of Rights and the principles and values they embody. Students complete the instructional portion of the program with a test designed to measure their "constitutional literacy" and receive a certificate of achievement signed by their U.S. Representative.

High School participants then enter a nationwide series of competitions at the congressional district, State and National levels. Students testify before a panel of experts at a simulated congressional hearing designed to measure understanding and capacity to apply principles being learned to historical and contemporary events. Each year, the National Bicentennial Competition culminates in 3 days of intensive competition among classes from almost every State in the Union.

Mr. President, the need to educate our young people about the Constitution and Bill of Rights is well documented. Studies have found that only slightly more than half of students surveyed were able to identify the original purpose of the Constitution. Nearly half thought the President could adjourn Congress when he saw fit. Indeed, another survey conducted on behalf of the Hearst Corp. suggested that over half of Americans thought that the Marxist credo "from each according to his ability, to each according to his need" can be found in the Constitution. Most alarming was the finding that a greater proportion of today's students display anti-democratic attitudes than did students in 1952.

The benefits of this educational program are clear and it is making a difference among the over 1 million students who have studied the program. A recent study has shown that the National Bicentennial Competition Program has increased the constitutional literacy of our young citizens. Students in classrooms all over the country are debating the issues that concerned the Founding Fathers and demonstrating how the Constitution's basic principles apply to them today with an extraordinary level of understanding.

The preservation of our freedom and our Nation depends upon our young people, the decision makers of tomorrow. We have much to gain from educating them about the Constitution, the Congress, and the continuing responsibilities of citizenship. I am proud to have students from my State in the national finals and I commend each of them and their teacher for their hard work.●

PETE UCCELLI HONORED

● Mr. WILSON. Mr. President, on Friday, May 5, the San Mateo County unit of the California Division of the American Cancer Society will hold a dinner to honor one of its most prominent volunteers, Pete Uccelli of Redwood City.

Actually, the dinner is advertised as a "roast"—a most apt description because of the good nature of the honoree whose perennially optimistic outlook on life has sustained him and those who know him throughout his years.

Mr. President, I am tempted mightily to take this occasion to join in the roast of Pete Uccelli by inserting in the RECORD fabrications of his life that would challenge the best of joke writers because I know Mr. Uccelli well and know that he would consider it part of the fun. But I am not certain that those who do not know Pete Uccelli would understand the nature of my roast.

Let me simply say, Mr. President, that Pete Uccelli is an inspiration to his community. He is a self-made man who started a small business years ago which today is a major recreational marina. Most of the improvements in the marina were accomplished by Pete himself through his own physical

labor. Given the current value of what he has built, people now accuse him of having buried large cans of money throughout the property over the years.

Because the marina is situated on the sloughs of San Francisco Bay, Pete has wrestled with environmental groups and government agencies to keep what he has built. The debates have been classic, often precedent-setting. And while Pete has been, to put it mildly, a determined warrior, he has never failed to command the respect, even friendship, of his adversaries. Described by admirers as "Redwood City's free soul," Pete Uccelli offers his own definition of capital punishment:

Capital punishment is when the government taxes you to get capital in order to go into business in competition with you and then taxes the profits on your business in order to pay its losses.

When Pete Uccelli talks this way, people listen—even people in government like you and me. But these are not the words of someone who only wails and complains. Pete Uccelli's life is repleat with good deeds and charitable contributions, most of them anonymous.

Hundreds of individuals have been given a chance in life because Pete Uccelli took an interest in their lives. Ask the scores of young people who have been given jobs at his marina. Ask the families who have received vitally needed loans or gifts in kind. Ask the local organizations whose urgent needs have been met at the 11th hour. Ask the young community leaders whose public careers he has supported and encouraged.

In short, Mr. President, the San Mateo County unit of the American Cancer Society is but one of many organizations and individuals who celebrate the nature of this fine man. Even his closest friends are not fully aware of all his charities, but they know his good deeds are legion and that the full extent of his giving will take generations to measure.

Mr. President, there is a sign which, for years, has stood on the road leading away from Pete Uccelli's marina which says, "Arrivederci. You are now entering the United States." The truth is, of course, that no one in this Nation could be more patriotic than Pete Uccelli and no one is more a vital part of his community than Pete Uccelli. Everyone passing that sign realizes the truth and smiles. The sign seems to typify Pete Uccelli's nature. He makes people smile and he gives the world around him a sense of humor while, at the same time, he undertakes the success of his business which provides recreation and which he uses to benefit thousands of others, many of whom will never know who their benefactor is.

I am pleased and proud to ask my colleagues to join me on this occasion to salute Pete Uccelli and the American Cancer Society that honors him.●

FORT HUACHUCA

● Mr. DECONCINI. Mr. President, as you know I am very concerned about the recommendations of the Commission on Base Realignment and Closure. This is an issue of utmost importance to southern Arizona, particularly to the town of Sierra Vista, which could lose economic and community benefits due to the Commission's recommendation concerning the future mission at Fort Huachuca.

Twice in the last month, members of the Sierra Vista City Council came to Washington to see what justification exists for the Commission's recommendations for Fort Huachuca. Mr. President, we still cannot find any justification whatsoever for this realignment. There are no economic or military benefits to moving this command. In fact, all the information we have received from the Army shows this move will not benefit the taxpayer, either in money saved or in improved mission performance.

In testimony before the Subcommittee on Defense Appropriations on April 6, Sandi Morris, a city council member from Sierra Vista, outlined what I consider to be the key points and problems with this move. Mr. President, I ask that this testimony be included in the RECORD.

The testimony follows:

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1990, April 6, 1989, U.S. SENATE, SUBCOMMITTEE ON DEFENSE, COMMITTEE ON APPROPRIATIONS, WASHINGTON, DC

The Subcommittee met at 9:00 a.m. in Room SD-1C6, Dirksen Senate Office Building, Hon. Daniel K. Inouye [Chairman of the Subcommittee] presiding.

Present: Senators Inouye, DeConcini, and D'Amato.

OPENING STATEMENT OF HON. DANIEL K. INOUYE, A U.S. SENATOR FROM HAWAII

Senator INOUYE. The Subcommittee will come to order. Today the Subcommittee will receive testimony from public witnesses on a broad range of topics covered in the defense bill. In order to complete the hearing, we will have to receive the full cooperation of all of you here this morning.

As some of you are aware, today is an historic day, the 200th anniversary of the first meeting of the United States Senate. And as a result, we are having certain historic ceremonies at 11:00, which will mean I will have to vacate.

Finally, City Council Members of the City of Sierra Vista, Arizona, Mr. Jeff Hass and Ms. Sandi Morris.

[No response.]

Senator INOUYE. We will have a recess of five minutes. We are ahead of schedule and maybe these witnesses are on their way.

[Recess.]

Senator INOUYE. For the record, we will stand in recess, subject to the call of the Chair.

[Whereupon, at 10:03 a.m., the Subcommittee was recessed, and reconvened at 10:06 a.m.]

Senator INOUYE. The Senator from Arizona.

STATEMENT OF HON. DENNIS DE CONCINI, A U.S. SENATOR FROM ARIZONA

Senator DECONCINI. Mr. Chairman, thank you very much, and once again my heartfelt appreciation from those of us from Arizona, and particularly southern Arizona, for having these hearings on base closures.

The people of Arizona are very cognizant of the cost of military operations and national security. They want what is best for the country, but they also want to be fair.

Sandi Morris, who is here today from the City of Sierra Vista, is a City Councilperson, and is very familiar with not only the economics of what a base like Fort Huachuca means to all of southern Arizona, but she also is very well aware of the national needs and the security of this country.

Mr. Chairman, I am not here to oppose the base closure legislation. The reason I am here is to appeal to the Congress of the United States that, though the base closure legislation has many positive and promising money-saving devices, we in Congress have an obligation not to implement something that in fact is going to cost money and not be effective.

Part of that process, Mr. Chairman, is what you are willing to sit through today and listen to the rationale of the other side and the statistical figures that point out that some of those judgments reached in the Base Closure Commission report do not make economic sense, are not feasible, and it raises the question then whether they indeed are not in the best interest of national security.

So with that, Mr. Chairman, I would like to introduce Sandi Morris, the Councilmember from Sierra Vista.

Senator INOUYE. Ms. Morris, welcome.

STATEMENT OF SANDI MORRIS, CITY COUNCIL MEMBER, CITY OF SIERRA VISTA, AZ

Ms. MORRIS. Thank you. I would like to ask, Mr. Chairman, that my testimony as written be submitted in its entirety for your consideration.

Senator INOUYE. You may be assured that your full statement will be made part of the record. You may be further assured that I will read it.

Ms. MORRIS. Thank you very much.

I would like to make a few points. I did review very carefully the Base Closure and Realignment Act submitted by the Commission and then began to read their backup data. I further reveiwed the criteria and the guidelines that Congress established when the Commission began its work. There were a number of guidelines that were given to the Commission by Congress.

And included in those guidelines were nine criteria that the Commission did need to look at in making their decisions. I reviewed these nine criteria against the relocation of the Information Systems Command, or ISC, out of Fort Huachuca, Arizona, and into Fort Devens, Massachusetts. The criteria, when applied against that one relocation, does not make sense to me, and so I would like to just go over the criteria and ask for reconsideration for the things I found that I do not understand.

The first criteria was that the Commission look at the impact on current and future mission requirements and readiness. It has already been determined by ISC that 50 to 75 percent of their civilian work force, pri-

marily their engineers and their computer specialists, would not move from Fort Huachuca to Fort Devens.

Many of them have years and years of seniority with ISC and made the move already once when ISC was relocated to Fort Huachuca. Many of them are two to three years from retirement and have just simply said they will retire early, they will look for another position closer to their homes.

Their failure to move with the command will greatly affect the mission effectiveness of ISC. It will further force ISC to begin immediate and heavy recruiting in the Fort Devens work area, and those engineers and scientists are commanding a 65 percent higher salary than the ones currently being paid at Fort Huachuca.

The second criteria was to consider the availability and condition of land and facilities at both locations. The Commission's background data that I read through does show that Fort Devens is landlocked and it is built to capacity. There is not any land for expansion.

Fort Huachuca is very different from that. There is a lot of available land to build if new commands were to come in or to support any growth of the existing commands.

The third criteria was the potential to accommodate contingency mobilization and future force requirements. That again goes back to the availability of land that we have at Fort Huachuca, the availability for expansion, and that is not present at Fort Devens.

The fourth consideration by the Commission was to be one of cost and manpower implications. The Commission's background data as supplied shows that the one-time cost of moving ISC across the country would be right around $218 million.

As ISC has reviewed this move and put together contingency plans, those costs are going up rapidly every day and are coming in at the $500 to $800 million range. So it is significant. The numbers are tripling in terms of dollars as to what that move is going to cost.

Again, those kind of dollars seem to make the move not economically feasible.

Another criteria was the extent and timing of potential cost-savings and to look at a six-year payback. Again, the Army's numbers say that there will never be a payback in the move of ISC to Fort Devens, that in fact there will be annual recurring costs of $18 million per year. Those costs, as well as the one-time costs, are escalating and ISC has projected continuing recurring costs of $31 million—again, an economic consideration that we just find difficult to understand when we compare it to the criteria that the Commission was to be looking at.

Another factor that was to be considered was the economic impact on both communities, both Sierra Vista adjacent to Fort Huachuca and Ayers that is adjacent to Fort Devens. There was an economic impact analysis done at Ayers by the Commission, assuming that Fort Devens was to be closed. With the closure of the base, the economic impact was determined to be minimal. There was not an economic impact study done at all on Sierra Vista or Fort Huachuca.

The seventh of the nine criteria was the community support at both locations. Members of the Commission traveled to Ayers on December the 8th and looked at the community support present near Fort Devens. Commission members did not travel to Fort Huachuca or Sierra Vista and afford our community that same opportunity.

Fort Huachuca and Sierra Vista are one of the two finalists for a base award of community and military coordination and cooperation, and that is not just Army, that is all bases. Fort Huachuca-Sierra Vista was one of the two finalists in that. So the community support is not only recognized by Sierra Vista, but has now been recognized throughout the country.

An environmental impact study was also done on Fort Devens, assuming that Fort Devens was to be closed. With the closure again, there was no environmental impact on the Fort Huachuca area.

Environmental studies were not done on Fort Huachuca because, on reading through the Commission's background data, all of the data supported a co-location of ISC and the Intel School, or ICS, at Fort Huachuca. So all the background information considered assumed that Fort Devens was closing and that ISC and ICS would both be part of Fort Huachuca, so again there was to be no environmental impact and it simply was not studied.

The last thing that the Commission was to consider was the implementation process of making the move. ISC is looking at moving thousands of people across the country, and they were never asked about the implementation process. They were never asked to consider the pros and cons of making the move, the disadvantages, the complications, the problems. It was simply never an issue.

ISC was sitting at Fort Huachuca and were really not at all concerned that they were even to be affected by the Commission's findings.

So in summary, of the nine criteria, again I could not find any of the nine that fit the ISC relocation. I understand now that there is a proposal to have GAO continue to study some of the supporting documentation of the Commission's findings.

I really believe that if GAO would study this thoroughly and we could take the few months that we need to hear what GAO has to say, that we will very clearly either have one of two directions: we will either find that the move was made for a very, very good reason and makes very good sense or we will find out that for some reason the numbers were not complete, the homework was not complete, and that that particular portion of the Act does need to be readdressed.

I do recognize that in some of my comments I seem to throw arrows at the Commission, and please understand that that is not my intent. The Commission had an astronomical amount of work that they were to do in a short period of time.

And in looking through and reading very carefully what the Commission submitted, it is very thorough and the base closure in my opinion make a lot of sense. Some of them, as we know, are not very popular, but they do appear logical.

ISC appears at the very, very end of that document, almost as though it were an afterthought. All the Commission's background data supports the fact that the ISC relocation was an afterthought, that it occurred during the last couple of weeks prior to the Commission being required to submit its recommendations.

So again, it raises some questions. Perhaps the Commission did not have time to accumulate the data it needed that would impact ISC and its move, whether or not it should be done, that they were in a hurry and they were up against a deadline and, because this was the last issue considered, they did not have everything they needed.

Even if that is not true and they did get all of the data that they had asked for and they had time to review it, I think then we do need an explanation of why the move was logical. Again, there could be one, but we would like to know what it is.

Finally I do understand that the Act has to be an all or nothing approach. But in reading it again, I must say that it is very, very good and the closure of all of those bases is certainly something that every taxpayer can identify with and appreciate.

But if there is a mistake or if there is a flaw in part of it, I think we still need to somehow show the flexibility to address the mistake. None of us are perfect. We all make mistakes, and when we make them we have a responsibility to work to get them corrected.

So I asked, if it was a mistake, please let us look at that part of it again.

Again, I want to thank you for your time. As you know, this is a serious issue for Sierra Vista and for Fort Huachuca. And past that, I think it is a very serious issue for the taxpayers if it is in fact to be a recurring annual cost of $31 million, this is not really feasible.

So again, thank you very much for your time and your consideration.

Senator INOUYE. Thank you very much, Ms. Morris.

We held our first hearing on March the 2nd and at that time we received testimony from the two Chairmen of the Commission, Congressman Edwards and Senator Ribicoff. And if my recollection is correct, your senior Senator, Senator DeConcini, asked the question: Is it possible that the Commission could have made an error?

The response was a very candid one: Yes, it is possible that we could have made a mistake. However, the Commissioners said, our books are closed. We have finished our work, we have submitted it. Now it is up to someone else.

That someone else is sitting right here.

As I responded to one of your correspondents from I think Sierra Vista, I said that if the Commission made an error then I think it is incumbent upon the Congress to rectify that.

And I think your Senator should be commended. At his request, we held another hearing, as you know, on March the 4th. At that time, Sierra Vista had an opportunity to more fully present its case.

I can assure you, as I assured my colleague from Arizona, that if the Committee is convinced that a mistake has been made, we will be the first. We may initiate the rectifying legislation to bring about this change. So your testimony, I can assure you, is extremely important and helpful.

Senator DeConcini?

Senator DECONCINI. Mr. Chairman, thank you very much for those remarks and the objectiveness with which this Committee is approaching this issue.

I would ask, Mr. Chairman, that a statement from Mr. Jeff Hass, City Council Member, also from Sierra Vista, who is over in the House right now testifying on the same subject matter, be included in the record.

Senator INOUYE. Without objection.

Senator DECONCINI. And if I could ask Ms. Morris just one question.

You mentioned in your statement, Sandi, that Sierra Vista—that 50 to 75 percent of the people in ISC will not move to Fort Devens. How do you come about with that figure, and have you personally talked to

some of these people and know from personal experience that this is the case?

Ms. MORRIS. I have talked with many of the people that are affected by the possible move. That particular number did come from General Rodgers directly to me.

Senator DECONCINI. He is the commander there, is that right?

Ms. MORRIS. He is the commander of ISC and had done a preliminary study, just encouraging each office to gather that data. And it was put in terms of a yes, I will, no, I will not, maybe I will. There were a lot of options that he told them to consider.

He also further asked, under what conditions would you? And the primary factor was: Hey listen, you moved us across country once; we are the same people that moved here with you when we moved, we were promised that that was it and we would be left alone.

Senator DECONCINI. These are the civilians that are permanent employees there?

Ms. MORRIS. That is correct.

Senator DECONCINI. Making what would be considered relatively high professional salaries?

Ms. MORRIS. We are talking about GS-12's to 15's.

Senator DECONCINI. And did General Rodgers also come up with the conclusion or statement that it would cost as much as 60 percent more to hire the equivalent at Fort Devens?

Ms. MORRIS. 65 percent.

Senator DECONCINI. 65 percent more.

Ms. MORRIS. Yes, sir.

Senator DECONCINI. So those figures were not just something that we all sat around and talked about?

Ms. MORRIS. That is correct.

Senator DECONCINI. These are coming from the Army itself?

Ms. MORRIS. Yes. He did have surveys done in the Fort Devens area and he has put together four different briefings as he continues to study the costs and complications associated with the move.

Senator DECONCINI. And the cost is increasing all the time, is it not, from what General Rodgers told me?

Ms. MORRIS. Yes, sir.

Senator DECONCINI. Thank you.

Mr. Chairman, I have no further questions. I thank the Chairman for his time.

Senator INOUYE. Thank you.

Are you a member of the City Council?

Ms. MORRIS. Yes, I am.

Senator INOUYE. You should be Chairperson.

Ms. MORRIS. Why, thank you. Thank you both for your time. Thank you all for your time.●

EVASION OF COCOM ON HIGH-TECH SALE TO SOVIETS

● Mr. LOTT. Mr. President, I was disturbed to learn that the British Government, over the objections of the administration, is going ahead with a $450 million sale of high technology equipment to the Soviet Union.

According to a report in the Washington Times, the Thatcher government has approved the sale of industrial processors for a factory under construction in Yerevan, Armenia.

The equipment reportedly will provide the Soviet Union with a microcomputer that will be able to direct precision assembly-line production of printed circuit boards—equipment that also has military potential.

The administration argued that the technology to be transferred should first be submitted to Cocom for review. But the British Government did not believe that the technology was covered by Cocom regulations, and rebuffed the United States request.

Great Britain is one of our best friends and allies. And we appreciate Prime Minister Thatcher's steadfast support in the fight against terrorism and for the United States position opposing early negotiations with the Soviet Union on short-range nuclear missiles in Europe.

While there are differences over whether this particular sale should fall under Cocom's regulations, I am concerned that Cocom will be weakened if countries continue to circumvent Cocom restrictions, which have been agreed to by our allies.

I ask that the article, which appeared in the April 27 Washington Times and which is entitled "Britain To Defy U.S. in High-Tech Export to Soviets," be printed in the RECORD.

The article follows:

[From the Washington Times, Apr. 27, 1989]

BRITAIN TO DEFY U.S. IN HIGH-TECH EXPORT TO SOVIETS

(By Bill Gertz)

The British government has approved the export of high-technology manufacturing equipment to the Soviet Union that the Bush administration says violates international export controls.

In what many experts see as a test case of U.S. export control policy, the administration is opposing the $450 million deal between Moscow and a British construction firm, Simon-Carves Ltd., based in Stockport.

The equipment sale would be the largest of its kind between Moscow and a British company, and U.S. officials said it undercuts allied support for restrictions on the transfer of high-technology items to the Soviet Union.

A State Department official, who asked not to be identified, said the dispute involves differences over the "technical interpretation" of whether certain equipment should be licensed under restrictions imposed by the Paris-based Coordinating Committee for Multilateral Export Controls, or COCOM, made up of the North Atlantic Treaty Organization allies and Japan.

"It's an important thing to the British," the official said. "But COCOM regulations are important to us."

The official said both governments were "still talking" about the sale several days ago and that the dispute has not been resolved.

But Michael Price, a spokesman with the British Embassy in Washington, said Tuesday that British and American officials have discussed the issue and that his government has already announced its intention to permit the export of the equipment.

"The Americans had taken a view that the case should be submitted to COCOM. We took a different view," Mr. Price said.

The British government does not believe the technology to be transferred is covered by COCOM restrictions, he said. "Therefore, we're confident we're not granting an export license for anything that would be of strategic concern," said Mr. Price.

Administration officials said British Prime Minister Margaret Thatcher informed President Bush in a letter recently that the deal would go through, in spite of U.S. objections.

As part of the deal, Simon-Carves will transfer programmable industrual processors—precision controllers used in assembly-line production—for a factory now being built in Yerevan, Armenia. The officials said the factory will make equipment used in the production of printed circuit boards.

According to the U.S. officials, Britain did not submit the proposed sale for COCOM review because it would have been rejected by the committee as not permitted under restrictions on the sale of militarily applicable technology.

Mr. Price said he did not know if the terms of the original sale were modified to include less-sensitive technology at U.S. request.

Michael Hurn, a spokesman for Simon Engineering, parent corporation of Simon-Carves, declined to comment on the U.S.-British dispute but said the company worked closely with the British Foreign and Trade offices in setting up the construction project in December 1987.

The plant at Yerevan, which is being built on a 40-acre site and is scheduled for completion by 1991, will manufacture industrial automation equipment, and the disputed high-technology equipment is being built by General Electric Company of London, Mr. Hurn said in a telephone interview from London.

Stephen Bryen, until recently director of the Pentagon's Defense Technology Security Administration, which monitors the transfer of militarily applicable technology to the Soviet bloc, said the equipment involved in the Simon-Carves deal could be exploited by the Soviet military.

Mr. Bryen said the sale was opposed by the U.S. government because it would provide the Soviets with a microcomputer capable of directing precision assembly-line production of printed circuit boards.

Also, the equipment is "ruggedized" to withstand heavy industrial use, and the Soviets have nothing comparable to it, he said.

"The whole transaction itself is not that awful," Mr. Bryen said in an interview. "But what it does is create a precedent for a country to go around the COCOM framework. It's a bad precedent."

In a similar case involving a recent Italian-Soviet deal, COCOM representatives arranged for less-sensitive technology to be transferred, he said.

Frank Gaffney, another former Pentagon policy-maker, said the administration's failure to prevent the sale is an indication of growing pressure from the Western allies to revise export controls to abandon what has been termed COCOM's "no exceptions" policy.

That policy, in effect since the early 1980s, prohibits any exceptions to the ban on exports of certain militarily applicable, high-technology items.

The United States' European allies, including Britain and West Germany, have been pressing for a new policy that would permit technology transfers of controlled materials on a limited, case-by-case basis, Mr. Gaffney said.●

CHAPTER 337, VIETNAM VETERANS OF AMERICA

● Mr. McCONNELL. Mr. President, I recently received a letter from Mr. R. Gordon Williams of Paducah, KY, president of Chapter 337, Vietnam Veterans of America. Mr. Williams brought to my attention the involvement of his chapter in the filming of "In Country," a movie about a young Kentuckian's attempt to understand the effects of the Vietnam conflict on her family. Chapter members and their families performed as extras, and made an important contribution to the filming by providing the realistic perspective of actual Vietnam veterans.

Mr. Williams and all members of chapter 337 deserve praise and recognition for their contribution both to the movie and their nation. Their involvement renewed awareness in western Kentucky of the historical significance of the Vietnam veterans. I am really proud of each and every member of chapter 337 and the families and communities which support them. I would ask that an article which appeared in Veterans magazine on this exciting experience in the life of chapter 337 be included in the RECORD.

The article follows:

CHAPTER 337, VIETNAM VETERANS OF AMERICA

(By Gayle Garmise)

Most people only dream of being in the movies—for VVA Chapter 337 in Paducah, Kentucky, that dream has become a reality. Several members of the chapter and their families are extras in the film "In Country," based on the novel by Bobbie Ann Mason. The move is directed by Norman Jewison, whose other works include "Moonstruck" and "A Soldier's Story," and it stars Bruce Willis and Emily Lloyd. The story centers on a 17-year-old Kentucky girl's attempt to understand the Vietnam War—her father was killed in the war before she was born, and her Uncle Emmett, with whom she is living, suffers from PTSD and Agent Orange exposure. Because the film is shot from the perspective of a teenage girl, a viewpoint no one has yet explored, Mike Mayes, vice president of Chapter 337, believes the film's release "will open up a whole bundle of new questions from the younger generation."

At first, members of the chapter were suspicious when they found out that a film crew was coming to Paducah to make a movie about the effect of the Vietnam War on a small Kentucky town. Too many films have been made by Hollywood portraying veterans of Vietnam as social outcasts who can't readjust to being "back in the world."

This was not the case with "In Country." Chapter members read the script and found a film that deals sensitively with Vietnam veterans. Jewison was especially interested in receiving any suggestions from chapter members

Members' input, along with their presence, has allowed the makers of "In Country" to present Vietnam veterans realistically, and, according to R. Gordon Williams, president of the chapter, "they respected the input we gave them. They would ask us, 'How does this sound? How does this seem? They would come up to us."

Larry McCullaugh, treasurer and chairman of public affairs for the chapter, says that many of the changes that Jewison made were "mainly little things that most people would not notice, but Vietnam veterans would, small things that would stand out like a sore thumb."

The original script, for example, included a scene in which one of the characters notices a National Park Service worker cleaning off yellow paint left on the Vietnam Veterans Memorial to highlight a name. The chapter brought this to Jewison's attention, noting that this type of vandalism at the Wall might put it into someone's head to do just that same thing. "We had the fear that if they were to leave it in, it would leave a bitter taste in some people's mouths," says Williams. Jewison took the scene out.

The chapter's involvement began when Warner Brothers sent Gordon Boos, the assistant director, to set up offices in Paducah in April 1987. There were advertisements in the newspaper for movie extras. The studio's original plan was to link up with a VFW or an American Legion post. The directors were not aware that VVA Chapter 337 was in existence.

After talking with chapter members, Williams contacted Boos to let him know about the chapter and to inform him that the members were interested in being cast as extras. Boos was excited about hearing from a Vietnam veterans' group that wanted to work on the film and called Los Angeles. Boos was given the go ahead to work with Chapter 337.

At the chapter's June meeting, Boos found out about Chapter 337's annual memorabilia party. He expressed interest in attending, and Warner Brothers sponsored the event so that the actors, crew, and chapter members could meet. The actors came to observe and talk to the members and, says Williams, "We sized each other up. It was a good experience."

Members had a chance to meet author Bobbie Ann Mason, who lives in Kentucky. "She was quiet, almost shy," remembers Williams. "She was very likable and friendly and would talk to anyone who wanted to talk to her. She was surprised almost, that all this was happening." Williams recognized Sam, the title character of "In Country," in Mason.

Several chapter members thanked Mason for writing such a sensitive portrayal of Vietnam veterans and their readjustment back into society, and recalls McCullaugh, "she thanked us." He says that Mason was very receptive to the idea of any changes in the script suggested by chapter members, if they believed it would make the film more authentic.

Members of Chapter 337 will appear in the dance sequence of the film, which took four 12-hour days to shoot. According to McCullaugh, the scene will last from six to eight minutes in the final cut of the film. "I'll never look at a movie in the same way again," he says. "When I watch a movie now, I think, 'how long did it take them to film that scene?' "

Jewison, who is a "stickler for perfection," was always having scenes reshot, shouting, "Let's do it one more time. He wants everything on tape before he gets back to Hollywood," muses McCullaugh.

Chapter members can't seem to say enough good things about Jewison, a veteran of World War II. "He is a warm, gentle, and elegant man who is interested in people," says Williams. "He was interested in us as Vietnam veterans."

Williams, McCullaugh, and Mayes all believe that Jewison's sincerity in helping Vietnam veterans by making this movie is genuine. "He had a sincere desire to make the movie enjoyable to watch," Williams relates, "but with a significant message of what Vietnam veterans went through," after they came home.

"He wanted us involved as much as possible," remembers McCullaugh. "Jewison believes we [Vietnam veterans] have been forgotten and have gotten a raw deal. He says that we have our place in history. I have the utmost respect for him."

Mayes points out that Jewison wanted to be sure that the film presented Korean and World War II veterans and members of the American Legion and the VFW. Jewison wanted to show the "tying [of] veterans together."

The members of 337 were so impressed by Jewison, they twice presented him with tokens of their appreciation. While in the middle of filming the dance sequence, several chapter members presented Jewison, who took time off from filming, with a cap bearing a patch of the "Three Soldiers" which stands at the Vietnam Veterans Memorial in Washington, DC.

The second presentation was at the final rap party for the film. The four officers of Chapter 337 gave Jewison a plaque, inscribed: "In grateful appreciation from Vietnam Veterans of America Chapter 337." Mayes notes that Jewison was deeply moved.

"He was really taken," says Williams. "He didn't know what to say. I thought he was going to cry. He said that he should be thanking us for being in Vietnam and for helping [with the film]."

Emily Lloyd, a 17-year-old British actress, lived with a family in Mayfield for a month to observe how Kentuckians speak and go about their daily lives. She handled the western Kentucky dialect well. "If you listen closely, there is an underlying British accent," notes Williams, "but the only people who will really notice it will be from the area [western Kentucky]."

"Lloyd was a delight to be around. "She's so bubbly," says McCullaugh. "She's a great gal. She's got a precocious quality about her." Williams recalls. "The way she thinks and talks is a lot older than her 17 years."

"Emily portrayed the joy, the happiness, the naiveness that we had when we were her age," says Mayes.

Many people may not be acquainted with Lloyd, who was first seen in last year's Wish You Were Here. At this point, more people are interested in Bruce Willis, who is best known for his role as the cocky, often obnoxious character of David on "Moonlighting." The role of Emmett is in direct opposition to most of the roles that Willis has played so far, but listening to 337 members talk about his performance, it seems that Willis may find himself up for an Academy Award.

During the course of filming in Paducah, Willis was often very quiet, preferring to stay in character off the set as well as on, but says McCullaugh, "he was very polite, very cordial. He was nice."

Willis took the part very, very seriously. He was able to "show the hopelessness and despair [of Emmett]," Williams says, "yet [also show] the gritty determination to keep going."

Willis became absorbed in his character, especially when it became time to film the scene at the Vietnam Veterans Memorial, which was, in reality, a replica built in a cow

pasture west of Paducah. In the scene—the filming of which Williams describes as "two of the most intense days I ever spent in my life"—Willis's character finds a name of a close friend on the Wall and lays a Bronze Star by the name. "He [Willis] looks into the Wall," Williams remembers, "and begins crying. He was crying horse tears. I think it was genuine at that point. Jewison had a father-like concern for Bruce and hugged him."

After the filming, Willis thanked chapter members for all that they had done. He told them that members of 337 "gave the company a boost, that they were grateful for that, for what we had done," Williams recalls.

A film is only as good as the cast and crew that put it together, and according to Chapter 337 members, all the people on the set of "In Country" were tremendous. "They put their heart and soul into it," Mayes says, adding that "the crew had the intensity of Jewison. They put forth an extreme effort to make it [the film] real. Everyone pulled together to make it as realistic as they could."

Williams relates that several people involved in making movies have commented that the production company put together to make "In Country" is one of the best assembled in a long time."

Because of the writers' strike, Jewison was able to put together the crew he wanted. He believes that the film has the potential to be one of the finest works he's ever done.

Several workers on the set were Vietnam veterans, and some of them joined VVA. Other people in the cast and crew became VVA associate members. Jim Beaver, one of the actors appearing in the film, is a Vietnam veteran who has also written several scripts for "Tour of Duty" and HBO's Vietnam series. He spent his Saturday morning before leaving town in a mall, signing copies of Chapter 337's book, "Eyewitness," which chronicles the personal experiences of several chapter members and their thoughts and feelings about Vietnam.

Members of the film crew and the chapter became friends during the shooting. When it was time for the company to return to Hollywood, "it was almost like old friends leaving," says McCullaugh. "[This crew] was like a close family," adds Williams.

Chapter 337's involvement with filming "In Country" helped enormously in bringing the chapter to the attention of the Paducah community. Radio stations began calling the chapter for interviews, as did television stations and newspapers. "In 1983, when we started a Kentucky Vietnam veterans' support group," remembers Williams, "we had to bang on their doors to get any attention."

The exposure has brought the chapter a new sense of respect in the community and "an awareness that might have taken years," says Williams. The chapter's involvement in the movie "got people [Vietnam veterans] out of the woodwork and join[ing] the chapter," he says, "which might not have happened otherwise. Everyone's self-esteem went up."

"It helped our image with the public around here," adds McCullaugh. "It put us in a very positive light and helped everybody's ego." The members of the chapter felt that they were representing all Vietnam veterans in the dance scene and would say to each other, "Let's do this right."

Williams, the only member of the chapter who appears in the final scene at the Wall, says that although it sounds corny, he felt he was there "representing VVA and Vietnam veterans around the country, that it was a significant responsibility." He told Willis that he "could feel the presence of the 2.7 million people [Vietnam veterans] and the 35,000 VVA people [members] looking over my shoulder. He [Willis] smiled at that."

"It was a very special moment in my life," continues Williams. "When I was splashing around the boonies in Vietnam, never in my wildest dreams did I think I would be in this movie representing everyone [Vietnam veterans]."

McCullaugh says that filming "In Country" was a once-in-a-lifetime experience. "It's something I'll never forget."

"I think that it [the film] is going to do positive things for Vietnam veterans," adds McCullaugh.

"It's very satisfying," says Williams, speaking about doing the film and seeing oneself up on the screen, "especially for those who have been struggling. It's beyond one's wildest dreams"

Members of VVA Chapter 337 are now concerned how the final cut is going to come out. "Our main concern," says McCullaugh, "is not to embarrass VVA. We want to do them proud. I hope other VVA chapters are happy with what we did."●

TRANSPORTATION SECTOR SUPPORTS STEEL VRA'S

● Mr. HEINZ. Mr. President, opponents of the President's program of Voluntary Restraint Agreements on steel would have us believe that the only people interested in the continuation of VRA's are steel manufacturers. My comments today are another in a series of efforts to prove them wrong. Recently, I entered numerous letters from steel using businesses into the RECORD, businesses that desire the extension of VRA's. Today I will expand the pool of supporters to include transportation companies. These firms are highly varied in their focus and size, yet they are all vital segments of our industrial system.

Usually, when one thinks transportation, one immediately thinks of trucking, and indeed, many trucking companies are in favor of extending the VRA programs. For example, American Transport, Inc., is a trucking company whose largest customers are domestic steel producers. Moreover, they are further involved in the steel industry due to extensive shipping of raw materials, such as aluminum and machinery, to the manufacturers. Tyron Trucking, Inc., is a minority owned company which coordinates the business of 85 owner-operators, extensively involved in the steel industry. In their own words, "These gentlemen own and drive their equipment, bearing large investments, that would suffer substantially if VRA's were withdrawn."

Another crucial category is shipping. Lake Carriers' Association represents 14 American shipping firms located around the Great Lakes. Traditionally, iron ore for steel mills composed 50 percent of their cargo, and much of the limestone and coal which they carried was also destined for steelmakers. During the recession of the early 1980's these companies were forced to scrap 52 cargo ships due to decreased business, and only now are they operating at a high percentage of their capacity. Midland Enterprise Inc., is a different type of shipping business, it is a major inland barge company. The movement of coal, coke, scrap iron, and finished steel products is a major portion of Midland's business. Needless to say, both of these companies cite VRA's as crucial to their future well being.

Mr. President, each day the list of VRA supporters grows longer—longer because it is the right policy for the steel industry and for the country as a whole. I ask the letters I referred to, along with these from other transportation companies in favor of extended VRA's be printed at this point in the RECORD.

The material follows:

AMERICAN TRANSPORT INC.,
Weirton, WV, April 6, 1989.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEINZ: I am writing to you to express the support of American Transport, Inc. for an extension of the steel Voluntary Restraint Arrangement. American Transport is a truck transportation company whose largest single class of customers is the domestic steel producers. In addition to transporting finished products, we also carry a significant amount of raw materials to the facilities of these producers, including machinery, aluminum and refractory products.

Since the enactment of the 1984 VRA program, we have seen the American steel industry rebound somewhat from the precarious position it was placed in as a result of foreign trade practices. There seems to be little doubt that such practices as foreign government subsidization, and subsequent dumping of this foreign steel in our nation, led to a worldwide excess capacity that was strangling our own producers. Since 1984, though, the U.S. steel industry has made significant progress in the areas of productivity, efficiency, and modernization through reinvestment.

The recovery is only beginning, though. We feel that a five-year extension of this program is essential to insure continued recovery and modernization. Our government must renew VRA if it desires, as we do, to chart uninterrupted progress, only recently started.

The 93 employees and 205 full-time independent contractors of American Transport are counting on you—please don't let us down!

Very truly yours,

DAVID HARTMAN,
Vice President.

LAKE CARRIERS' ASSOCIATION,
Cleveland, OH, March 27, 1989.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEINZ: For the second year in a row, U.S.-flag Great Lakes fleets will operate more than 96 percent of their carrying capacity. The dramatic turnaround is

due, in large part, to the Voluntary Restraint Arrangement (VRA) Program on imported steel. However, the VRA Program is scheduled to expire on September 30 of this year. Many members of Congress have recognized the need to extend the VRA Program and co-sponsored S. 378, The Steel Import Stabilization Act. The attached position paper details LCA's support for an extension of the VRA Program.

Thank you for co-sponsoring S. 378, we urge you to vote for its passage as soon as possible.

Very truly yours,

GEORGE J. RYAN,
President.

LAKE CARRIERS' ASSOCIATION POSITION PAPER

VOLUNTARY RESTRAINT ARRANGEMENT

Lake Carriers' Association represents 14 U.S.-flag Great Lakes fleets engaged in the movement of raw materials on the Great Lakes. Iron ore for the steel industry traditionally has accounted for more than 50 percent of all cargo carried by U.S.-flag lakers. A significant share of the limestone and coal carried by fleets is also destined for steelmakers.

Being so dependent upon the steel industry, Great Lakes fleets naturally are commited to an extension of the Voluntary Restraint Arrangement (VRA) Program on steel imports. The gradual lessening of steel imports has allowed steel and Great Lakes shipping to rebound from the dark days of the early- and mid-eighties, but the recovery is far from complete.

To fully understand the need for an extension of the VRA Program, one must realize just how hard a climb faced steel and Great Lakes shipping. In 1981, the last "prerecession" economy, iron ore shipments on the Great Lakes totaled 83.9 million tons. A year later, as a full-fledged recession gripped the nation, iron ore shipments plummeted to 43.1 million tons, the lowest total since the Great Depression of the 1930s.

The recovery in iron ore shipments was slow. Iron ore shipments totaled 58.3 million tons in 1983, and 64.1 in 1984, but then slipped to 58.4 in 1985 and 51.0 in 1986.

During these trying times, U.S.-flag Lakes fleets were forced to trim 52 vessels from their rosters. The premature retirement of these ships cut 1,600 billets from the Lakes maritime industry.

Ironically, steel consumption in the United States during this period did not vary dramatically. Annual steel consumption has continued to average about 100 million tons. But as iron ore shipments and domestic steel production slumped, steel imports soared. The 16.7 million tons imported in 1982 sky-rocketed to 26.2 million tons by 1984. It was at this point that the Reagan Administration introduced the VRA program.

Relief was not immediate. Although the program's announced goal was to limit steel imports to roughly 20 percent of the domestic market, 1985 imports captured 25.3 percent of the U.S. market. The next year, imports commanded 23.1 percent. Only since 1987 have steel imports been limited to approximately 20 percent of the market.

Near achievement of the VRA Program's goal has had a dramatic impact on steel and Great Lakes shipping. 1987 iron shipments totaled 61.7 million tons. 1988 iron ore shipments topped 68 million tons. During 1988, the domestic steel industry operated at 90-plus percent of capacity from March on. U.S.-flag Lakes fleets had more than 95 percent of their available carrying capacity in service for most of the 1988 Lakes shipping season.

The outlook for 1989 is good, but the September expiration of the VRA Program looms ominously on the horizon. There is still an excess of steelmaking capacity worldwide. To believe that foreign steelmakers will not again inundate the U.S. market with subsidized steel is naive.

Nor is the modernization of the domestic steel industry complete. Billions of dollars are yet needed to fully upgrade existing facilities. These funds can be expended only if domestic steelmakers are assured of at least another five years of protection against unfairly traded foreign steel. President Bush has pledged his support to an extension of the VRA Program. Congress should follow suit and quickly so further modernization of the American Steel industry can proceed on schedule.

Vote in favor of S. 378, The Steel Import Stabilization Act.

MIDLAND,
Cincinnati, OH, March 20, 1989.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEINZ: I am writing this letter on behalf of Midland Enterprises Inc., one of the nation's largest inland barge transportation companies whose subsidiaries move over 40 million tons of commerce on our waterways including finished steel products and coal, coke, and scrap iron important to steel production.

We strongly urge you to support extension for an additional five years of the Voluntary Restraint Agreements ("VRAs"), which were negotiated with steel exporting nations in 1984 and which are scheduled to expire in September 1989. In passing the Steel Import Stabilization Act following the Administration's implementation of the VRAs, Congress recognized the need to help our domestic steel producers fight imbalanced foreign competition while at the same time it imposed obligations on domestic producers to reinvest the cash generated by their steel operations back into the steel business. The steel producers have lived up to this obligation and have continued to make great strides in productivity, modernization, and quality. Much of this improvement is due to the existence of VRAs. While this progress has been remarkable and encouraging, it is also clear that much remains to be done to allow our domestic steel producers to build on the gains achieved during the last five years. The U.S. steel industry has done its part to modernize and eliminate antiquated production processes and facilities. This has not been met with a corresponding change in the structural inequities still existing in foreign steel producing nations. Foreign government subsidies and dumping of steel in the U.S. market are two examples of competitive practices which make an extension of VRAs vital to the long-term health of our domestic steel industry.

As a company which counts domestic steel producers among our important customers, we are concerned that a failure to extend VRAs this year will lead once more to plant closures, business failures, and the loss of competitiveness which characterized the steel industry in the early 1980s. We believe the steel industry has done its job in recommitting to the future of steel—we respectfully urge you to make the same commitment to them by supporting an extension of VRAs beyond September 1989.

Sincerely yours,

WILLIAM P. MORELLI,
Associate General Counsel &
Director of Government Affairs.

ALTERNATIVE TRANSPORTATION SYSTEMS GROUP,
Homewood, IL, March 29, 1989.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEINZ: As the President and CEO of a group of companies that provide services to the metal products industry, I am concerned about the upcoming expiration of Voluntary Restraint Arrangements (VRA's) in September, 1989, and their potential non-renewal. Our organizations, which employ 250 people and have approximately 150 leased contractors, provide transportation, warehousing and distribution services to this industry.

For the greater part of the 20th Century, the steel industry has been synonymous with American growth, both in terms of domestic production and foreign trade. However, the condition of the U.S. domestic steel industry sharply deteriorated as a result of growing foreign government intervention in steel industries abroad and resulting massive foreign unfair trade practices. Over 25 U.S. steel firms went bankrupt since 1974 and hundreds of thousands of jobs were lost. There no longer prevailed an element of balance. Our free enterprise system paid dearly for this inequity.

With the birth of the VRA's in 1984, the U.S. steel industry was able to enter into a restructuring phase. Five years is a very short time, yet the progress made in these last five years had been monumental. The U.S. steel industry has made major inroads in refining steel production, increasing labor productivity while reducing associated labor costs, and basically bringing domestic steel production to a competitive position with foreign production. The VRA's have been a major factor in enabling U.S. producers to begin recovery and create an environment which is constructive instead of destructive to both our domestic industry and that of foreign producers; a system of checks and balances that are beneficial to all participating countries.

Even though our organizations are proponents of deregulation, we believe the VRA's are necessary at this time. Extension of the VRA's is critical to the continued restructuring effort and long term sustainment of the U.S. steel industry. To allow these VRA's to expire would appear to be counter productive to all that has been accomplished and may very well be the catalyst to set both foreign and domestic steel industry back into a depressed condition.

It is our firm belief that the extension of the steel VRA program is a key investment in America's future. We respectfully urge your support of this extension. Thank you for your prompt consideration of this issue.

Sincerely,

RICHARD DICKSON,
President.

FARRUGGIO'S BRISTOL AND PHILADELPHIA AUTO EXPRESS, INC.,
Bristol, PA, March 29, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: On behalf of my company and our 147 employees, we strong-

ly support the extension of the steel Voluntary Restraint Arrangements (VRAs).

Our family owns a trucking company which has been in existence over sixty years. Our employees and our company would be greatly effected by this since 75% of all domestic steel moves by truck. We handle many shipments for U.S. Steel, Fairless Works, Fairless Hills, Pa. and failure to extend this program will greatly effect the Steel industry and, therefore, have a severe impact on our business and our employees.

With VRAs due to expire in September 1989 we feel that prompt action to extend this program for a five year period is critical for the domestic steel industry's future.

VRA renewal, with no changes in existing agreements, is a key step by government to insure that the domestic steel industry's progress in reinvestment, improved productivity and overall efficiency continues.

We truly believe that VRA extension is critical to the long term sustained recovery of the American steel industry from one of the worst depressions in its history. The steel industry is just beginning its recovery and continued support of the VRAs will ensure its longevity.

We respectfully request your support for the extension of the steel VRA program.

Sincerely,

SAMUEL J. FARRUGGIO,
President.

TEAM TRANSPORT, INC.,
Warrendale, PA, March 28, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: As co-owner of a motor carrier specializing in the transportation of steel, I ask your support of a five year extension of the steel Voluntary Restraint Arrangements (VRAs) which are due to expire in September 1989. We employ over 250 people whose jobs are contingent on the continued revitalization of the troubled domestic steel industry.

As you know, foreign government subsidies and dumping of foreign steel contributed mightily to the deterioration of the American steel industry. Now that the industry has just started to recover, it is extremely important to extend the steel VRAs to insure that this recovery continues.

I urge your support to extend this vital program.

Sincerely,

PHILLIP A. REZZETANO,
Chairman.

TRYON TRUCKING, INC.,
Fairless Hills, PA, March 30, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR JOHN HEINZ: VRA's must stay!

Tryon Trucking Inc. supports the extension of the Voluntary Restraint Arrangements, soon to expire in September of this year. Tryon has been in existence since 1964. Our livelihood is derived from hauling steel. For domestic mills such as U.S. Steel, Bethlehem Steel, LTV Steel, and Inland Steel to domestic manufacturers for eventual domestic consumption.

Tryon Trucking is a minority-owned company with nine employees. We utilize about 85 owner-operators who operate for Tryon under a lease agreement. These gentleman own and drive their equipment, bearing large investments that would suffer substantially if VRA's were withdrawn.

The domestic steel industry needs all of our support to continue its return from near collapse facing it back in 1984. VRA's were the right choice then, and are still today. With the VRA's in place domestic mills have felt the beginnings of a recovery.

Jobs have been saved, mills that were in bankruptcy or faced it are coming back, and monies invested in modernization have brought back our competitiveness with the rest of the world.

We feel that if the rules were the same for domestic as well as foreign steel mills, we could compete with their best. But over the years foreign steel has been heavily subsidized by their governments resulting in unfair trade practices and widespread dumping of foreign steel into U.S. markets.

We strongly feel that VRA's must stay to balance the scale. Competition is good and needed as long as it is fair competition, which VRA's have tried to establish.

We all hope here at Tryon, that our support and belief is as strong as ours in America's future.

Thank you for your prompt consideration in this issue.

Sincerely,

ROSALYN MEKLIR,
President.

ALLEGHENY PLANT SERVICES, INC.,
Pittsburgh, PA, April 6, 1989.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEINZ: We at Allegheny Plant Services, Inc., are hoping that you will support the continuation of the Voluntary Restraint Arrangements.

Our firm is a Pittsburgh, Pennsylvania based motor freight company with our major source of revenue closely tied to the steel industry. We have noticed that under the VRA program the steel industry's recovery efforts have resulted in increased work for our firm. A five year extension of the VRA program would ensure continued progress in the domestic steel industry's restructuring, modernization and recovery.

With VRA's due to expire in September 1989, your prompt action is especially important. If the domestic steel industry is going to be able to sustain its competitiveness with foreign steelmakers the VRA extension will be needed.

We feel that the continuation of the VRA program is a critical ingredient in the rebuilding of the American steel industry, and a key factor in making our steel companies successful in the marketplace in the coming decade. We respectfully urge your full support for an extension of the VRA program. Thank you for your attention to this issue.

Very truly yours,

JOSEPH T. ROSS,
President.

UNIVERSAL AM-CAN LTD.,
York, PA, March 21, 1989.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEINZ: I write on behalf of my company, Universal Am-Can Ltd. in support of extension of the steel Voluntary Restraint Arrangements (VRAs). We are a trucking company with a terminal located in the York, PA area. We have terminals located throughout the country with operating revenues in excess of 70 million dollars per year.

With VRAs due to expire in September of 1989, we strongly feel that prompt action to extend this program for a five-year period is critical for the domestic steel industry's further restructuring and modernization. We view VRA renewal as the key step by government to ensure that the domestic steel industry's progress in reinvestment, improved productivity and overall efficiency continues uninterrupted.

As you know, the condition of the domestic steel industry sharply deteriorated over many years as a result of growing foreign government intervention in steel industries abroad and resulting massive foreign unfair trade practices. Such practices were pervasive when the VRA program was instituted in 1984 and they continue today. Two clear examples are (1) the enormous foreign government subsidies that have perpetuated structural world excess capacity in steelmaking and (2) the widespread dumping of foreign steel in the U.S. market.

We strongly believe that VRA extension is critical to the long term sustained recovery of the American steel industry from one of the worst depressions in its history. Most importantly, the U.S. steel industry is just beginning its recovery, and continued support of the VRAs will ensure that its progress continues.

As a key investment in America's future, we respectfully urge your support for the extension of the steel VRA program. Thank you for your prompt consideration of this issue.

Sincerely,

JAMES D. RUNION,
Terminal Manager and
Regional Sales.

MAWSON & MAWSON, INC.,
Langhorne, PA, March 30, 1989.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEINZ: I have managed a trucking company for 36 years. This company has third generation in management and we employ two hundred, fifty-six (256) people. We specialize in transportation of steel and on behalf of myself and employees, I write in support of extension of the Voluntary Restraint Arrangements. Seventy-six percent (76%) of our shipments originate or are delivered to Pennsylvania points. This is why I feel it is imperative that I write to you concerning this matter.

As you can readily understand, because we are totally dependent on the strength of the steel industry in America, we feel strongly that prompt action is necessary to extend this program for an additional five years. We have not fully recovered ourselves from the last recession and the additional five years will aid us in reaching financial health and help our employees retain their employment.

For further stability in American employment, we plead for your support for the extension of the steel Voluntary Restraint Arrangements for a five year period.

Thank you in advance for your support.

Sincerely,

ROBERT J. DURBIN,
President.●

NORTHLAND LUTHERAN HIGH SCHOOL, WAUSAU, WI

● Mr. KASTEN. Mr. President, 2 days ago America celebrated the bicentennial of one of the three branches of our constitutional government—the Presidency that links the America of George Washington with the America of George Bush.

This week, 13 students from my home State of Wisconsin are celebrating the bicentennial of our Constitution in a very special way. The students from Northland Lutheran High School in Wausau—Brenda Bartelt, Laura Buch, Jennifer Martens, Randy Mensching, Andrew Mueller, Mary Jayne Mundt, Jennifer Nienow, Michael Oemig, Jody Russ, Julie Schuch, Chris Stuedemann, Dan Unruh, and Lisa Zettler—have come to Washington to participate in the finals of the National Bicentennial Competition on the Constitution and Bill of Rights.

With a lot of hard work, plus the help of instructor William Mundt and coordinators Ronald Harshman and Julia M. Frohreich, these students have come a long way in mastering our democratic system. I want to wish all of them the best of luck in this competition—and a bright future thereafter.●

RECOGNITION OF AWARD TO LOUISVILLE CHAPTER OF THE SERVICE CORPS OF RETIRED EXECUTIVES

● Mr. FORD. Mr. President, I rise today to pay tribute to the Louisville Chapter of the Service Corps of Retired Executives [SCORE], which has been selected by the Small Business Administration as the national "SCORE Chapter of the Year for 1988." The Louisville chapter is being honored in Washington in connection with the observance of Small Business Week beginning May 7, 1989.

As the recipient of this singular honor, the Louisville SCORE has gained recognition as a role model for volunteer business counseling groups across the Nation. The entire SCORE Program deserves our highest praise for its successful efforts to utilize the experience and skills of retired Americans who can help countless businesses reach their full potential as productive employers in a time of national economic need.

The outstanding accomplishments of the Louisville's SCORE can be attributed to the dedication of many individuals, only a few of whom can be mentioned in this brief tribute. Ben W. Crume, the 1988 chairman of the Louisville chapter and a retired treasurer of the Rock Island Railroad, led the Louisville team's drive to provide expanded service to businesses in the Louisville area.

Improved procedures for problem diagnosis and indepth counseling were developed by Frank Berlin, the chapter's assignment chairman and former owner of the Berlin Department Stores. Retired Army Col. Clifton Stigger, who also served in engineering positions with Colgate-Palmolive Co., helped to forge a program of expanded management training workshops with more detailed counselor training and recruitment of new SCORE volunteers with specific skills needed to further the business goals of the chapter's clients.

Augie Drufke, regional SCORE representative in Louisville and former manager of sales administration with American Steel Foundries, sparked the chapter's successful effort to become the first in Kentucky to gain SCORE accreditation as a top-quality organization in assisting small businesses. District representative Henry Feingold, who had been in retail merchandising with Montgomery Ward and Interstate Stores, played a key role in following through on this effort. William Grim, a former General Electric Co. vice president who helped to develop the chapter's marketing program, is among others who continue to make invaluable contributions to the Louisville SCORE.

The volunteer efforts of retired persons play an increasingly important role in the success of our Nation's small businesses, which truly represent the future of America. With that in mind, Mr. President, I rise to recognize and congratulate our Louisville volunteers, SCORE chapter-of-the-year finalists in Fargo, ND, Boston, MA, Prescott, AZ, and Santa Maria, CA, and all of the other fine SCORE chapters across this Nation.●

TRIBUTE TO DETROIT BRANCH OF THE AAUW

● Mr. RIEGLE. Mr. President, I rise to pay tribute to the outstanding work being done by the Detroit Branch of the American Association of University Women. The American Association of University Women [AAUW] is a 108-year-old organization whose members are graduates of accredited colleges and universities across the Nation. AAUW's mission is "to promote equity for women, education and self-development over the life span and positive societal change."

Founded in 1889, the Detroit Branch of AAUW is the eighth oldest branch in the country and will be celebrating its hundredth anniversary this year. I applaud the members of the Detroit branch for having furthered the work of AAUW by serving in a variety of capacities at the association and division level. The Detroit branch has maintained its commitment to the city of Detroit, the State of Michigan and the Nation through programs that have focused on societal and educational issues, brought new ideas to the fore, and increased citizen awareness. In addition, the Detroit branch has contributed significant sums to the AAUW Educational Foundation for the purpose of offering educational grants and fellowships for women.

In light of their many contributions, I ask that you please join me in commemorating the Detroit branch of the American Association of University Women.●

THE CHICAGO MERCANTILE EXCHANGE TOUGHENS ITS RULES

● Mr. DIXON. Mr. President, last month, the special committee to review trading practice of the Chicago Mercantile Exchange submitted its report and recommendations to the exchange's board of directors.

The proposed package of regulatory changes is broad and far-reaching. I think it is a tough package, and in an editorial published last week, the Chicago Tribune agreed.

As the Tribune editorial points out, the recommendations seem to succeed in meeting two fundamental objectives that can sometimes be in conflict. The package maintains the liquidity and international competitiveness of the futures products traded at the MERC, while ensuring that exchange customers are confident that they are being treated fairly and equitably and that the exchange is taking strong action against any trading abuses.

The recommendations also demonstrate something else that is extremely important—that self-regulation works. Both the Chicago Mercantile Exchange and the Chicago Board of Trade are constantly hard at work to ensure that public confidence in the Chicago Exchanges, and the trading efficiency and international competitiveness of the exchanges, are always maintained.

With the Commodity Futures Trading Act now up for reauthorization, the editorial, and the point it makes about self-regulation, is particularly relevant. I commend the editorial to my colleagues for their review; I think they will find it very persuasive. Mr. President, I ask that the editorial be included at this point in the RECORD.

The editorial follows:

[From the Chicago Tribune, Apr. 26, 1989]

THE MERC FIGHTS FOR SELF-REGULATION

Leo Melamed, architect of Chicago's financial futures market, is an outspoken champion of self-regulation, and it's easy to see why. With Melamed as its chief policymaker, the Chicago Mercantile Exchange has been a consistent industry leader in new products and services while remaining largely free of heavy government interference.

But Melamed knows that self-regulation is a right that can disappear rapidly if an institution doesn't act responsibly. Faced with increasing global competition and a government investigation of industry trading practices, he's fighting hard to preserve that right.

A committee of Merc leaders and industry experts, formed shortly after the federal investigation of the Merc and the Chicago Board of Trade was disclosed by The Tribune in mid-January, has proposed tougher trading rules and penalties. If adopted by the Merc's board of governors and the fed-

eral Commodities Future Trading Commission, they would fundamentally change the way Chicago's futures markets operate. They would eliminate many opportunities for fraud and abuse and deter cheating by imposing harsh fines.

One far-reaching proposal calls for banning most traders from doing business for themselves at the same time they are handling orders for customers. This "dual trading" would be allowed only in a small number of lightly traded commodities. The committee also wants to restrict broker associations or rings, add surveillance staff, appoint non-exchange members to disciplinary committees and suspend a member for six months after a major rules violation. A second offense would result in lifetime expulsion from the exchange.

Merc officials claim some of these changes were in the works before the federal probe was revealed, but the package is clearly a response. It's also a genuine effort to restore public confidence in one of Chicago's most important financial markets by limiting both the possibilities and perception of abuses.

Critics may argue that the Merc is doing too little, too late. But the exchange constantly must balance its duty to keep its own house in order with its need to provide liquid and efficient markets.

Congress should realize that the futures industry has prospered under self-regulation. Even under the cloud of the FBI sting, Merc volume is up 34 percent this year and membership values are at record amounts. If the investigation reveals abuses not covered by these rule changes, further adjustments can be made.

Meantime, lawmakers should not add burdensome regulations that will drive up the cost of trading futures in America and force a successful U.S. industry to yield to foreign competition.●

FAIRNESS IN INTERSTATE TAXATION OF NONRESIDENTS

● Mr. LAUTENBERG. Mr. President, I rise to express my support for legislation introduced by Senator BRADLEY, and cosponsored by Senators DODD, LIEBERMAN, and myself, S. 800, to provide for a moratorium on, and study regarding, certain State tax laws.

Mr. President, this bill responds to a recent change in New York State's tax law that is placing an unfair burden on over 250,000 New Jerseyans and other nonresidents who work in New York. Under the new law, income from sources outside New York will be considered in determining the rate of New York State tax that nonresidents owe on income earned in New York.

In my view, Mr. President, New York's new law is fundamentally unfair. I have no problem with New York taxing income that is earned in New York—that makes sense. What is not fair, though, is basing New York taxes on income earned out-of-State.

Why, for example, should a New Jerseyan have to pay more taxes to New York solely because his or her spouse happens to make money in New Jersey? Take a secretary from New Jersey who earns $15,000 in New York and whose spouse works as a firefighter in Hackensack. Under the New York law, the secretary's $15,000 will be taxed at a higher rate only because of the spouse's income. Yet the firefighter may have absolutely no connection to New York and enjoy not a single benefit from New York's government.

That is not right. And that is why the people of New Jersey are so outraged by this unfair tax.

Mr. President, this bill provides a sensible mechanism for resolving this problem in a manner that meets the needs of New Jersey and Connecticut commuters, and that I hope will also be acceptable to New York. By establishing a moratorium on interstate taxation based on nonresidents' out-of-State income, it would provide relief from the New York law. And by establishing a commission with equal representation from each State, it provides a mechanism for resolving this dispute reasonably and fairly.

I urge my colleagues to support the bill.●

PROVIDING CERTAIN ASSISTANCE TO POLAND

● Mr. SIMON. Mr. President, I am pleased to be an original cosponsor of Senator CARL LEVIN's bill to provide OPIC insurance, reinsurance and financing to worthy projects in Poland. At this critical time in Poland's history, it is important to demonstrate this country's support for the sweeping positive changes going on in Poland.

Private employment accounts for roughly one-third of Poland's work force. In agriculture, three-fourths of the land is in private hands. The agreement negotiated between Lech Walesa's Solidarity and the government authorities could pave the way for a meaningful expansion of United States-Polish trade. OPIC insurance to Poland's nongovernmental sector will encourage such trade, and this is to be welcomed given the new compact between rulers and ruled in that troubled country.

We ought to promote expanded trade with those in Poland who have fought long and hard to move their country toward greater freedom and openness. Building on Poland's already strong base of private economic activity will help move the democratization process along. I am pleased to associate myself with this legislation, and I urge my colleagues to give this measure their support.●

ABOUT EDUCATION

● Mr. SIMON. Mr. President, today I am inserting in the RECORD a thought-provoking article by Fred M. Hechinger that recently appeared in the New York Times. The article clearly demonstrates that America's incompetence in foreign languages and cultural awareness jeopardizes our Nation's future in global affairs. This lack of global perspective damages America's ability to compete in world markets. The more our country becomes competent in foreign languages and cultures, the more enhanced our foreign policy decisions will become.

Recently, Johns Hopkins University set up a National Foreign Language Center to improve the quality of teaching. Also, Connecticut College announced a new International Studies Program to increase student competency in foreign languages and culture. These programs are encouraging, however, there is room for expansion in this area. We must have successful foreign language programs, starting at the grammar school level, in order to build bridges of understanding between America and foreign countries.

Mr. President, I ask that the New York Times article be printed in the RECORD.

The article follows:

[From the New York Times, Mar. 15, 1989]

ABOUT EDUCATION

(By Fred M. Hechinger)

Last month, the nation's governors cited Americans' ignorance of foreign languages and cultures as a threat to this country's future.

"The United States is not well prepared for international trade," said Gov. Gerald L. Baliles of Virginia, chairman of the National Governors' Association. "We do not know the languages, the cultures or the geographic characteristics of our competitors."

It is not surprising if this sounds familiar. In 1979, President Jimmy Carter's Commission on Foreign Languages and International Studies concluded, "Americans' scandalous incompetence in foreign languages also explains our dangerously inadequate understanding of world affairs."

Educators say that for a superpower with an awesome capacity for good or ill on the world stage, the indictment remains serious, as many American businesses struggle to catch up with foreign economic competitors.

The 1979 commission practically wrote the script for the 1989 statement by the governors. It noted that the Japanese have hundreds of sales representatives familiar with American speech and ways. Only a handful of Americans trying to sell United States merchandise in Japan were similarly prepared.

Debacles such as those in Vietnam and Iran, the commission believed, were either caused or aggravated by American ignorance. Why does such ignorance continue after being exposed over and over again? What prevents schools and colleges from doing a better job when educated young people in many other industrial countries are fluent in at least one language other than their own?

One answer is the double myth that Americans are for some reason less able to learn foreign languages and that, anyway, everyone in the world speaks English.

Both answers are wrong. Many Americans who have set their mind to it and have been taught effectively are competent linguists; and as every American traveler knows, far from everyone speaks English. Americans who work abroad without being able to

speak the local language are often limited in their contacts to a small elite group that does not represent the mood of the larger population. Hence the frequent misreading of foreign politics.

Foreign-language educators say that it is only in moments of crisis that foreign language teaching is shored up—for a while.

In reaction to the Soviet launching of Sputnik in 1957, Congress passed the National Defense Education Act to quickly infuse money into language teaching. Foreign languages in elementary schools flourished. Schools bought language laboratories that allowed students to hear and speak the language electronically.

Both made sense. The laboratories augmented the scarce teaching force. Starting 5- and 6-year-olds on a new language worked well because children at that age enjoy new sounds and strange words. By contrast, teenagers who are the usual target of language instruction, are self-conscious.

Yet, by 1978, 20 years after the initial boom, the foreign languages program was comotose. Of 23 states that responded to questions by the Modern Language Association, 17 reported that their program had either died or lost its vigor. Many language laboratories gathered dust in storerooms.

In recent years, there has been a slight rise in interest. But many educators say that is slight improvement against a 53 percent decline in foreign language bachelors degrees between 1970 and 1985.

Reacting to a bad situation, Johns Hopkins University set up a National Foreign Language Center in 1987 to improve the quality of teaching.

This year, Claire L. Gaudiani, the new president of Connecticut College and herself a former language teacher, announced a new International Studies Program that allows students, regardless of their major, to seek advanced competency in a foreign language and apply it to an internship or to study abroad. Included is instruction in the social and cultural setting of countries where the language is spoken.

What can be accomplished was illustrated by teachers like John Rassias of Dartmouth. In 1979, Mr. Rassias immersed 26 New York City Transit Police officers in Spanish for several weeks and sent them back able to communicate with the Spanish-speaking people on their beat.

One graduate summed up a problem that plagues not only the city's subways but misunderstandings on the world stage: "How do you service a community you can't talk to?"●

IRIS AND B. GERALD CANTOR, HONOREES, THE BROOKLYN MUSEUM BALL

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to an outstanding couple, Iris and B. Gerald Cantor. Mr. and Mrs. Cantor will be awarded the Augustus Graham Medal for their exceptional support of the Brooklyn Museum at the 32d Annual Brooklyn Museum Ball on May 3, 1989.

Mr. Cantor is founder, president and chairman of the board of Cantor Fitzgerald Inc., a financial holding company, and president of the B. Gerald Cantor Art Foundation. He is an officer of the French Order of Arts and Letters, a trustee of the Metropolitan Museum of Art and a member of the Business Committee for the Arts.

He is the world's foremost collector of works by Auguste Rodin. Between 1984 and 1987, Mr. and Mrs. Cantor gave the Brooklyn Museum 58 sculptures by Rodin. Accompanied by a grant, the Iris and B. Gerald Cantor Gallery was named in recognition of this generous gift.

Mrs. Cantor, a museum trustee, is a native of Brooklyn. She is vice chairman of Cantor Fitzgerald Inc., and president of the Iris and B. Gerald Cantor Foundation, established in 1978. She is a trustee of the Los Angeles County Museum of Art, and a governor of New York Hospital-Cornell Medical Center. The couple is involved in philanthropic and cultural activities on the east and west coasts.

The Cantors have also given generously toward acquisitions for the museum. They matched an Andrew W. Mellon Foundation grant to establish a $1.2 million endowment to underwrite scholarly publications devoted to the museum's collection and special exhibitions.

Through the generous patronage of Iris and B. Gerald Cantor and others, the Brooklyn Museum has experienced a renaissance. It has earned its place as a notable and thriving cultural center for the arts.

Mr. and Mrs. Cantor are most deserving recipients of the Augustus Graham Medal. As they are honored on May 3, I pay tribute to them for their generosity and support of the arts, and extend my heartiest congratulations and warmest best wishes.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $0.9 billion in budget authority, and over the budget resolution by $0.4 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $135.7 billion, $0.3 billion below the maximum deficit amount for 1988 of $136.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1989 and is current through April 19, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution, House Concurrent Resolution 268. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 First Concurrent Resolution on the budget.

Since my last report, dated April 17, 1989, the President has signed into law Implementation of the Bipartisan Accord on Central America Act of 1989 Public Law 101-14). Budget authority, outlay and revenue estimates remain the same as my last report.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF APR. 19, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level +/− resolution
FISCAL YEAR 1989			
Budget authority	1,233.0	1,232.1	.9
Outlays	1,100.1	1,099.8	.4
Revenues	964.4	964.7	−.3
Debt subject to limit	2,739.5	[3] 2,824.7	−85.2
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	135.7	[4] 136.0	[5] −.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for Catastrophic Health Care (Public Law 100-360).

[3] The permanent statutory debt limit is $2,800 billion.

[4] Maximum deficit amount [MDA] in accordance with sect. 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS APR. 19, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the Purchase Price for Non-Fat Dry Dairy Products (Public Law 101-7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101-14)	−11		

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS APR. 19, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total enacted this session	−11	−10	
III. Continung resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity program	(2)	(2)	
Special milk	4		
Food Stamp Program	253		
Federal crop insurance corporation fund	144		
Compact of free association	1	1	
Federal unemployment benefits and allowances	31	31	
Worker training	32	32	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund [1]	(85)	(85)	
Payment to hazardous substance superfund	(99)	(99)	
Supplement security income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100–360	45	45	
Public Law 100–485	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100–485	63	63	
Veterans Compensation COLA (Public Law 100–678)	345	311	
Total entitlement authority	1,559	1,121	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of Apr. 19, 1989	1,232,969	1,100,103	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amounts remaining:			
Over budget resolution	919	353	
Under budget resolution			266

[1] Interfund transactions do not add to budget totals.
[2] Less than $500 thousand.

Note.—Numbers may not add due to rounding.●

CZECHOSLOVAK SOCIETY OF AMERICA

● Mr. SIMON. Mr. President, I would like to commend the Czechoslovak Society of America, which was founded in St. Louis, MO, by immigrants from Czechoslovakia on March 4, 1854. It is the oldest fraternal benefit society in the United States.

For 135 years the CSA Fraternal Life has provided financial and fraternal security for its members and has actively supported patriotic causes. It is devoted to the American principles of freedom and democracy with thousands of young men and women members who served with honor and valor in every conflict involving our country.

The CSA has made generous contributions through acts of charity and financial help to the needy and distressed people of our country. The Czechoslovak Fraternal Life is a family oriented organization which is proud of its heritage, high morals and education standards, along with its promotion of physical fitness through its athletic activities program.

Mr. President, I hope all my colleagues will join me in extending this message of congratulations to the Czechoslovak Society of America on its past accomplishments and wishing them the best in the years ahead. Special congratulations to Mr. George C. Vytlacil, president of Czechoslovak Society of America Fraternal Life on a job well done.●

A TRIBUTE TO THE LATE DR. LOUIS DUPREE

● Mr. HUMPHREY. Mr. President, I was saddened recently to learn of the death of Prof. Louis Dupree, of Duke University. Dr. Dupree was an anthropologist, an educator, and one of the foremost authorities on Afghanistan having spent many years there since his first visit in 1948.

I want to take a few minutes today to discuss the life of this remarkable man.

Where should I begin? I have here his résumé. It is some 37 pages long, evidence that Dr. Dupree was a man of considerable accomplishment. To cover the basic facts, Dr. Dupree was born in Greenville, NC, in 1925. He attended the Coast Guard Academy preparatory school, was a cadet-midshipman in the Merchant Marine Reserve, seeing 12 months sea duty in 1943 and 1944. From 1944 to 1947, he served in the U.S. Army as an officer in the parachute infantry of the 11th Airborne Division in the Philippines and Okinawa. In the Philippines, he did reconnaissance behind Japanese lines and was wounded. Dr. Dupree was proud of his military service, and with good reason. His medals included the Mariner's Medal, Merchant Marine Combat Bar, Combat Infantry Badge, Purple Heart, and Bronze Star.

Dr. Dupree earned his bachelor's in 1949, his masters degree in 1953, and his Ph.D. in anthropology in 1955, all from Harvard University. While there he specialized in Asian archeoglogy and ethnology.

From 1959 to 1983, he was an associate with the American universities field staff, a cooperative research and teaching program of 11 institutions. He taught at Pennsylvania State from 1983 to 1985 when he became senior research associate of Islamic and Arabic Development Studies at Duke University. He also held teaching positions at Duke and the University of North Carolina at Chapel Hill.

He was an adviser on Afghanistan to the Governments of West Germany, France, Denmark, Sweden, Norway, England, and Australia. In the United States, he was a consultant on Afghan affairs to the State Department, the Peace Corps, the National Security Council, the Central Intelligence Agency, the Agency for International Development, the United Nations.

Over his long and distinguished career, Dr. Dupree wrote 23 books and monographs, 194 articles and chapters in books, 16 encyclopedia chapters, 48 book reviews. The list goes on, and on, and on. This is more than some people could accomplish given several lifetime.

In 1973, Dr. Dupree published his book "Afghanistan," A 760-page tome that was nominated for the national book award in history. Sixteen years after it was published by Princeton University Press, "Afghanistan" is regarded as the standard text on the subject.

But having just listed the litany of his accomplishments, let me hasten to add that Dr. Dupree was more than the sum of his works.

I came to know Dr. Dupree because of my interest in the freedom of the Afghan people. As one of the foremost experts on Afghanistan, Louis Duspree was one of the first experts I met with early in 1985 before setting up the Congressional Task Force on Afghanistan. He also was one of the first witnesses before the task force. At our first hearing, Dr. Dupree crystalized the thinking of many of us when he said:

> This is, in my opinion, the most important political and moral issue that faces us at this time and is probably the most important since the Second World War. If you look down the road to the year 2,010, it is quite possible, if things continue the way they are now, that the Soviet Union will be the major economic and political force, not just in Afghanistan, but in the Persian Gulf area.

Thank goodness the freedom fighters seem to have diverted the Soviets from that geopolitical thrust. Dr. Dupree was one of the principal actors who helped change the course of history in that respect.

Over the years we stayed in close contact. His advice and counsel was always wise and informed. When I recommended an Afghan scholar in residence for the Embassy in Islamabad, I recommended Dr. Dupree who was ultimately selected by the late Ambassador Arnold Raphel.

Dr. Dupree was an historian with a sense of adventure. While some chroniclers of the past might do their work in musty libraries, Louis Dupree charged into the field. For example, in 1961, in order to investigate the British retreat from Kabul to Jalalabad from January 16 to 13, 1842, during the first Anglo-Afghan War, Dr. Dupree literally retraced the steps of those soldiers: He and an assistant walked the 116 miles in the dead of winter along the same route the soldiers had taken 121 years before.

What a journey. His account—published in 1976—is enthralling. This is how history should be done; getting out and walking through the sands of

time. It explains why his opinion on Afghanistan was so valued.

The trip was not without its pitfalls: A leaden bureaucracy stalled their departure from Kabul for 2 days; at one point a Mullah presented them with two live artillary shells that had been buried in the town courtyard, he thought they'd like to have them for the villagers had no use for them.

The Dupree home in Kabul was a remarkable gathering place where all sorts of people would drop in for what Dr. Dupree called the 5'oclock follies. He described it in an essay in 1980:

Nancy and I spent about 50 percent of our time outside Kabul. When in Kabul, we let it be known that we did not appreciate being disturbed during the day. We were writing. However, at 5 p.m., the bar opened and all were welcome. And many came. Some days only two or three, other days 20 to 30. It became a tradition. Even Russians came. So did Pakistanis, Indians, Koreans, Germans, French, Swiss, British, etc. . . . Discussions and arguments of all kinds raged, covering all disciplines.

What a wonderfully fascinating place that must have been; full of different people, ideas, and language. Again, it explains why his insights were so sought after.

Dr. Dupree's closest friends talk about his wonderful sense of humor. An example they often give occurred in 1978 when he was taken into custody by the KGB in Kabul on suspicion of being an agent of the CIA. He was subsequently released and suffered no ill effects. He wrote about the experience a few years later and it is a harrowing account of torture and murder that he witnessed before finally being released. But what impressed everyone most about the account is that having survived this experience, he was still able to find something to laugh at with his usual wry sense of the absurd:

[The guards] finally decided to take my books away. No matter, I'd read them all but Edgar Snow's "The Other Side of the River; Red China Today." All the books were returned the next day. "You can have them," I was told. "They are all novels." I don't think Edgar Snow would have been pleased . . . No one questioned me that night, but by guard slept fitfully. He woke up every time a new set of screams penetrated our walls. He drummed his fingers loudly and nervously. I don't think he purposely tried to keep me awake. We didn't talk. He just looked tired and sad in his baggy brown uniform. His AK-47 sat on top of a filing cabinet within easy reach for either of us. A James Bond I'm not.

A James Bond he wasn't, but a scholar, a gentleman, a good friend, a devoted husband, and a man of integrity and principle he was.

Let me take a brief moment to acknowledge in this tribute to Dr. Dupree his wife Nancy Hatch Dupree. More than his partner in life, Mrs. Dupree was also his partner in scholarship. Indeed, in 1988 they spent 6 months in Pakistan with the Afghans as joint Fulbright Senior Scholars.

Finally, I am told that Dr. Dupree's ashes will be returned to Afghanistan, there to be scattered in the land he loved so dearly. A friend and colleague summed him up this way at a memorial service at Duke University:

Few men have had the fortune to so identify themselves with a little known culture and then in crisis to interpret that culture to the world and influence its destiny.

What a splendid compliment. And it is true. Louis Dupree influenced the destiny of Afghanistan, and by curbing Soviet imperialism, he added to the momentum of positive changes now occurring in Moscow.

Dr. Dupree will be missed by many, many, persons, not just in America, but in every corner of the globe.●

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, today marks the 1,508th day of captivity for Terry Anderson in Beirut.

On March 16, 1989, the Buffalo News printed an article which chronicles all that has happened since Terry was kidnaped. I ask that it be printed in the RECORD.

The article follows:

TERRY ANDERSON, FORGOTTEN BY TIME

(By Anthony Violanti)

Four years equals 48 months, or 208 weeks, or 1,460 days. But how can the lost moments of Terry Anderson's life be measured?

Is there a numeric value that can be placed on being denied the opportunity to see a newborn daughter, or bid farewell to a dying father and brother?

Those moments have disappeared into a vaccum for Anderson. In his life, time has been suspended. He exists as a hostage in a timeless phantom zone, unsure of the changes in the world and in his family during the past four years.

Four years ago today, Anderson, a Batavia native who was chief Middle East correspondent for the Associated Press, was kidnapped by Muslim fundamentalists in Beirut, Lebanon, Anderson, now 41, sits alone in a small room somewhere in Lebanon. Of the 13 foreign hostages in the Middle East, he has been held the longest.

Four years—a long time by any standard. While Terry Anderson has sat captive, the world has gone about its business. While he has waited, four years of history have come and gone.

Mikhail Gorbachev started a more open policy, glasnost, in the Soviet Union.

Shiite Muslim extremists seized a TWA airliner en route from Athens to Rome.

Actor Rock Hudson died from the sexually transmitted disese called AIDS.

A rock concert called Live Aid raised money to feed starving millions in Africa.

Thousands of men, women and children died in an earthquake in Armenia.

The space shuttle Challenger exploded after liftoff, killing six astronauts and schoolteacher Christa McAuliffe.

Ferdinand Marcos fled the Philippines and was replaced as president by Corazon Aquino.

An accident at the Soviet Union's Chernobyl nuclear power plant killed 23 people and displaced 40,000 more from their homes.

Crack cocaine became a popular, destructive drug in America.

U.S. bombers attacked Moammar Gadhafi's headquarters in Tripoli.

Homelessness became a major U.S. concern.

The United States sold weapons to Iran and used the money to finance contra rebels fighting in Nicaragua.

Oil tankers in the Persian Gulf became targets of Iranian and Iraqi missiles and warplanes. U.S. vessels were sent there to protect the tankers.

Supreme Court nominee Robert Bork was rejected by the Senate.

On Wall Street, the Dow Jones average crashed 508 points in one day.

Gary Hart dropped out of the Democratic presidential primary race after he was reported to have spent a night with a young fashion model.

TV preacher Jim Bakker gave up his ministry after a sex scandal.

George Bush defeated Michael Dukakis and was inaugurated as president.

The USS Vincennes shot down an Iranian airliner by mistake, killing 290 people.

The Soviet Union agreed to end military intervention in Afghanistan.

Iran and Iraq signed a truce to halt their long war, which had killed millions.

Iran's Ayatollah Khomeini ordered the death of author Salman Rushdie for writing a "blasphemous" novel called "The Satanic Verses."

President Bush's choice of John Tower as secretary of defense was rejected by the Senate.

Roseanne Barr became America's favorite TV star.

President Bush promised a "kinder, gentler America."

In Buffalo, the downtown area has undergone a significant face lift.

There is a new baseball stadium called Pilot Field and a new rapid-transit system.

Jimmy Griffin is running for a fourth term as a mayor.

The Buffalo Bills, those perennial losers, finished last season just one victory away from the Super Bowl.

Yes, Buffalo and the world have changed. But perhaps the most significant events that Terry Anderson has missed are personal ones. In 1986, cancer claimed his father, Glenn R. Anderson, 69, and his brother, Glenn R. Anderson Jr., 46.

Four days before he died, Glenn Jr. taped a video message to his brother's captors. He said: "Terry never hurt anybody. Terry loved the people of Lebanon.

"I have made a vow I would not die until I saw Terry. That vow is getting very close to an end. Please release him. I wish to see him one more time. Please release him."

And Terry Anderson has a daughter whom he has never seen and never held. Her name is Sulome; she has curly hair, dimples and a soft, warm smile. She was born weeks after her father was kidnapped in June 1987, Sulome made a videotape for him. It lasted one minute, long enough for her to say: "I love you, Daddy. Come to us, Daddy. Our hearts are broken. Where is Daddy?"

To the world at large, the deaths of Glenn Anderson and Glenn Anderson Jr., and the birth of Sulome, matter little. There are broad geopolitical issues at stake in the fate of Terry Anderson and the other hostages.

But four years have passed. Alone in captivity, a man has a lot of time to think about his family. That was evident on Christmas Eve 1987, when his captors re-

leased a videotape of Terry Anderson. He said: "To my family, I love you and I miss you very much . . ."

Some things never change.●

THE SINGING ANGELS OF CLEVELAND CELEBRATE THEIR 25TH ANNIVERSARY

● Mr. GLENN. Mr. President, today I rise to congratulate the Singing Angels youth chorus on their 25th anniversary. The Singing Angels are the pride of Cleveland, OH, and are an asset to the United States of America. For the past 25 years children from all races, nationality groups and economic levels, as well as handicapped, chronically and progressively ill youngsters have had the opportunity to enjoy life and the rewards of singing to their fullest potential through their participation in the Singing Angels.

The Singing Angels chorus is comprised of 250 young singers. One hundred of these children, ages 6 to 14, form the training chorus, where they hone their singing skills. This chorus makes about 50 appearances each holiday season. The other 150 youngsters, age 8 to 18, perform 80 to 90 concerts a year worldwide, earning them the title of "Cleveland's Good Will Ambassadors."

Since 1964, the Singing Angels, under the direction of founder Bill Boehm, have entertained more than 400 million people, through live performances and television appearances throughout the world. "The purpose of the Singing Angels is to promote the joy of singing among children," says Bill Boehm. "We sing religious, patriotic Broadway songs and good standard pop tunes. One of the best aspects of it all is the pleasure that the kids have in bringing joy to audiences in America and abroad."

Over the years, the Singing Angels' tours have included performances in Malaysia, Hong Kong, Macau, Japan, Canada, Germany, Austria, Hungary, China, Mexico, Italy, Taiwan, Israel, and Romania. They performed for Pope John Paul II in Vatican Square in 1980 and in 1983 in China's Great Hall of the People.

Again, I congratulate Bill Boehm and his Singing Angels on their remarkable accomplishments over the last 25 years. I know the Singing Angels will continue to bring joy to their audiences in Ohio, the rest of the United States and even in other nations for many years to come.●

CONDITIONAL SUPPORT FOR THE NATIONAL ENERGY POLICY ACT

● Mr. DECONCINI. Mr. President, on February 2, 1989, I joined my friend and colleague, Senator TIM WIRTH of Colorado, as a cosponsor of S. 324, the National Energy Policy Act. At that time, I indicated my support for a comprehensive energy package to meet the Nation's energy needs for the 21st century. However, I carefully qualified my support by stating that I did not endorse each and every provision of the bill. Instead, I was endorsing a framework for a discussion on the steps this Nation needed to take to avert any future energy or pollution crisis.

There are certain provisions which I strongly oppose. In particular, I am directing my attention to that part of the legislation which authorizes appropriations for international population and family planning assistance.

I do not believe that it is appropriate to include abortion language in an energy package. Family planning assistance should not be included in discussions about the damaging effects of chlorofluorocarbons on the Earth's atmosphere. International population control has no bearing on the debate surrounding the greenhouse effect, the ozone layer, or the loss of rainforests in the Amazon.

I have many concerns about the future of the Earth's fragile ecosystems. More important, however, is my concern for the protection of a fragile human life. My record is clear on the issue of human life. I am adamantly opposed to abortion except where the life of the mother is at stake. I urge the supporters of this bill to remove those sections of the bill relating to family planning assistance. Despite the many sound provisions in S. 324, I would not support final passage unless the offending international family planning provisions are removed.●

NATIONAL NURSING HOME RESIDENTS' RIGHTS WEEK

● Mr. PRYOR. Mr. President, 1.5 million residents of nursing homes throughout our Nation are joining nursing home staff and interested citizens in celebration of National Nursing Home Resident's Week. In honor of this occasion, I am inroducing a resolution to designate September 9 through September 15 as a week of appropriate ceremonies and activities in recognition of nursing home residents.

Congress has taken some important steps to improve the quality of life for all nursing home residents. I am deeply gratified to have played a role with Senator MITCHELL and others in the inclusion of many nursing home reforms in the Omnibus Budget Reconciliation Act passed in 1987. These reforms include provisons that significantly strengthen residents' rights, so that they may have visitors, privacy, and be free from verbal and physical abuse. A more effective means of oversight has been introduced through unannounced, staggered surveys of facilities by miltidisciplinary teams and additional survey requirements for substandard facilities. Furthermore, enforcement will be enhanced with tougher sanctions against those facilities that provide substandard care and residents will have greater recourse if their grievances are left unanswered. In sum, the legislation passed as part of OBRA will do much to allow nursing home residents to have more say in the decisions that affect their lives. I am pleased to see our Nation moving toward a policy of treating our citizens in nursing homes with greater dignity and respect. But the march should not stop here.

The progress made already for those who have contributed so much to our society should not lead us into a state of complacency. As chairman of the Senate Special Committee on Aging, I will work with Members of Congress on both sides of the aisle to improve the health and general welfare of the elderly in our society. I will conduct hearings and develop legislation to address the challenges such as those posed by rising health care costs, Alzheimer's disease and the lack of adequate quality medical services in rural areas.

Yet, even with these advances, we will still have a long way to go before congressional intent becomes a reality for all residents of nursing homes. A study conducted this past October—October 1988—by the Senate Special Committee on Aging found that "almost 40 percent of the nursing home residents between 65 and 84 were prescribed powerful and potentially dangerous antipsychotic drugs primarily used for the treatment schizophrenia in younger individuals" (serial No. 100-M, p. 34). This means that in that one aspect of care alone, well more than one-third of the nursing homes across the Nation are giving substandard care to those people they are charged with helping and protecting.

It is the spirit of continuing the advancement of care for our Nation's elderly that I introduce this resolution that I believe will send a strong message to both nursing homes and to those agencies charged with enforcement of reform: Congress and the concerned citizens of the United States will not allow our elderly to be forgotten in the laws that are made to protect them.●

BILLY SQUIRES DAY

● Mr. KERRY. Mr. President, I want to take this opportunity to recognize the achievements of a great man, athlete, coach, and friend, Billy Squires.

During Marathon weekend the city of Boston and Mayor Ray Flynn made Sunday, April 16, "Billy Squires Day." This was to acknowledge his achievements as a runner, a coach, and a person.

Billy Squires grew up in Arlington, MA. As a senior in high school he was chosen as a member of the 1952 Parade All-American team. He went on to Notre Dame where he was a four-time All-American in the 800- and 1,500-meter races.

Incredibly, he has been even more successful as a coach. Bill has proved that he has the knowledge to coach running at all levels. He has coached 20 national championship teams. In 1980, Billy was a national olympic marathon coach. He has had numerous individual champions and All-Americans. Bill Rodgers and Alberto Salazar are just two of the running greats that were coached by Billy Squires.

Billy is a world-class coach, not because he coaches world-class runners, but because he'll give anyone a lift or a helping hand.

I ask that an article written by Michael Madden that appeared in the Boston Globe on Sunday, April 16, be printed in the RECORD following my remarks.

The article follows:

PAYING THEIR BILL—TODAY'S "EVENT" AT BC A TRIBUTE TO SQUIRES

(By Michael Madden)

This is Marathon weekend in Boston, and runners abound, bound along, all bound to their quest of 26 miles 385 yards. Over to the side of Heartbreak Hill, though, one man merely wants to run a 440 in 56 seconds. But no heartbreak here; just a warm tale for a warm man.

Tommy Leonard is involved, of course, getting the 28 gold and 28 green balloons to string up in this man's honor. The tape of the Notre Dame fight song, too, and a tape of "You Gotta Have Heart," and maybe a stopwatch, one with slow-moving digits, and it will all happen at the Boston College track, Which is fitting, since all of this . . . and all of them . . . really are For Boston.

Billy Squires will try to run his age in the 440, 56 seconds, this morning at 11:30, the number "56" on Squires' chest, which will happen after the "Squires Stroll," a mile run in which some, if not many, former Squires runners will go after . . . what? . . . 4:15? . . . 5:15? . . . on the watches. "It's all for fun," says Leonard.

But it is also so fitting. The Boston Marathon, marathoning and Squires' guidance of the fledgling Greater Boston Track Club all seemed to blossom together, there in the mid-1970s, until all grew and grew and grew. Thousands of strangers flock to Boston every Patriots Day; Squires is one of the reasons.

Squires was a personal mentor to Bill Rodgers, Greg Meyer, Randy Thomas, Alberto Salazar, Gerry Vanasse and so many others, building the GBTC from little into a national-caliber club, "and this is a natural," says Leonard, "to do something like this for Billy."

It all started with a bet, says Leonard, sitting there in Coach's Corner at the Eliot Lounge, with Squires' friends, "Coach," of course, being the only name for Squires. "A fellow runner from New York [Paul Fetscher] challenged Coach back in November to run his age," says Leonard. "I said, "Boy, I can jump on this. Let's have a testament to the man. I mean, he touches people in so many ways. I think if Billy had become a priest, he'd be a cardinal."

The stakes are a pint of Sam Adams versus $100, Squires' only risk the beer, but Squires' 56th birthday is coming next month and 56 seconds for the quarter is formidable.

"I think he'll do it in 64," says Leonard, "That's not even the point . . . I mean, I don't want to kill the guy. He's just a beautiful human being. Everybody is a friend of Billy."

So 56 is the theme, the 56 slices of pizza that Kenny Valducci gave Squires Wednesday to go with 56 bottles of Sam Adams, and the 56 issues of the New Yorker (one year's subscription plus four back issues), and on and on and on. But 56 is also only the excuse, an excuse to honor a modest, giving man.

Eddie Doyle, a manager of the Cheers bar and the Barley Hoppers Running Club ("We run for fun; we roam for foam"), a regular in Coach's Corner at the Eliot, says he would gladly prefer having Squires as a customer at Cheers than all the Sams and Norms and Dianes of the TV world. "He's just such a wonderful guy," says Doyle.

Freddy Doyle of Nike has the best suggestion ("Why don't you just let him run 56 seconds and stop?") but Squires has lost 15 pounds, is in hard training, and there may be a mob of Squires' friends at BC this morning. Squires' hamstrings are tight, but this is a challenge.

But the challenge is secondary to the warmth, Leonard tried to track down Wes Santee, whom Squires ran against when Santee was at Kansas and Squires at Notre Dame, when miling was the glamour of America's running, and though Santee wasn't located, it is the effort that counted.

"For all of us amateur runners, who like to take an hour each day and run around the [Charles] River, and we come back with a sore ankle and a heel that hurts, Billy would be at the bar [in Coach's Corner], dispensing advice," says Billy DeFranceso. "You'd say, 'Bill, I just ran 4 miles and my leg hurts.' And he'd say, 'Do this,' and 'Do that,' and he'd tell you what to do, give you all sorts of free advice, and it would be the right thing. And that's why this is nice, what we're doing for Billy."

And if Rodgers was Squires' most famous runner, there are so many others to whom Squires gave. Which is why so many may be there this morning, the Notre Dame fight song playing while Squires warms up, the McGuire Sisters on tape while Squires goes after 56 seconds, the same words Squires used to listen to while training to face Wes Santee: "You gotta have heart."

Which Squires does.●

APPOINTMENT TO NATIONAL WOMEN'S BUSINESS COUNCIL

Mr. DOMENICI. Mr. President, in accordance with Public Law 100-533, the National Women's Business Ownership Act of 1988, the following named individual is hereby appointed as a member of the National Women's Business Council: Ms. Sandra R. Herre of Wisconsin.

The PRESIDING OFFICER (Mr. KOHL). It will be duly noted.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 1426

Mr. MITCHELL. Mr. President, is H.R. 1426, a bill to amend the Public Service Act, as passed by the Senate, still at the desk?

The PRESIDING OFFICER. Yes; it is.

Mr. MITCHELL. Mr. President, I move that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the Presiding Officer [Mr. KOHL] appointed Mr. KENNEDY, Mr. ADAMS, and Mr. HATCH conferees on the part of the Senate.

CORRECTING THE ENGROSSMENT OF S. 767

Mr. MITCHELL. Mr. President, on behalf of Senator BUMPERS, I ask unanimous consent that the engrossment of S. 767, a bill to make technical corrections to the Business Opportunity Development Reform Act, be corrected to reflect the substitute amendment I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that a statement by Senator BUMPERS and a section-by-section analysis of the substitute be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

● Mr. BUMPERS. Mr. President, I would like to share with my colleagues some background on this bill and then briefly summarize what it does.

On November 15, 1988, President Reagan signed H.R. 1807, the Business Opportunity Development Reform Act of 1988, which became Public Law 100-656. This was the House companion measure to S. 1993, which was considered on this floor last summer. This legislation makes a series of important improvements to the Minority Small Business and Capitol Ownership Development [MSB/COD] Program, which provides small business concerns owned and controlled by socially and economically disadvantaged individuals with an array of special assistance. The overall objective of this assistance is to foster the development

of minority firms, increasing the likelihood of their success in the Nation's economic mainstream. The MSB/COD Program is better known by the provision of the Small Business Act which provides the statutory authority for contract assistance, section 8(a).

During the 100th Congress, both the House and Senate sought to address the program's persistent shortcomings, and especially those problems highlighted by the most recent scandal relating to the Wedtech Corp., through comprehensive reform legislation. H.R. 1807, the Capital Ownership Development Reform Act of 1987, passed the House on December 1, 1987. The Senate companion, S. 1993, the Minority Business Development Program Reform Act of 1988, passed the Senate on July 7, 1988.

The conference committee convened on August 10, 1988. The conference was protracted since substantial differences between the two bills had to be resolved. Key policy issues had to be hammered out. The process continued into the very last days of the 100th Congress. The conference report was filed on October 7, 1988. The House unanimously approved the conference report by voice vote on October 12, 1988, followed by the Senate on October 18, 1988.

Upon review, it was found that the bill text contained a number of errors and omissions. Most of these problems can be traced to the fact that the filed bill had not been reviewed by the House Legislative Counsel and contained substantially more hand-written text than was desirable. To correct some of the more significant omissions and errors, Senator Weicker and I introduced Senate Concurrent Resolution 167, which was passed by the Senate on October 21, 1988. Unfortunately, it was not considered by the House before adjournment.

Subsequent review of the enrolled bill and the text of the public law demonstrated a need for more extensive corrective action. A detailed review of the text was conducted by the staffs of the House and Senate Small Business Committees, the Senate Legislative Counsel, and various staff offices within the Small Business Administration, led by the Office of General Counsel. A draft bill reflecting all of these contributions was then prepared by the Senate Small Business Committee staff with the valuable assistance of the Senate Office of Legislative Counsel.

The bill addressed several types of problems identified in the enacted test of the Business Opportunity Development Reform Act of 1988. First, the bill corrected a number of errors in spelling, capitalization, punctuation, cross-references, and citations to the United States Code. Second, other provisions of the technical corrections bill insert omitted words or citations to the United States Code, or delete duplicative and extraneous text. Next, provisions of the bill add text or rewrite text to attain additional clarity. Finally, provisions of the bill address substantive matters.

Mr. President, I will subsequently seek unanimous consent to insert in the RECORD a detailed section-by-section analysis. At this point, however, I would like to summarize the three substantive changes made to the enacted bill by S. 767.

Section 4 of the bill restores a provision requiring SBA to complete its review of an application for admission to the MSB/COD Program within 90 days of receiving a complete application, thus correcting the chronic and common problem of intolerably lengthy delays in the application process. This provision was inadvertently omitted from the text of the conference report, although it was thoroughly described in the Joint Explanatory Statement of Managers.

Section 20 of the bill adds a new subsection to section 505 of the enacted bill, which created a Commission on Minority Business Development. As enacted, section 505 failed to explicitly assign SBA any role to assist the Commission during its formative stages, although this was clearly the intent of the conferees. The new subsection converts that intent into explicit statutory language.

Section 30 of the bill extends the deadline for the promulgation of final implementing regulations. As enacted, section 801 requires SBA to publish final regulations implementing the statutory changes to the MSB/COD Program within 210 days of the date of enactment, or June 15, 1989. The same provision also specified very tight deadlines for the conduct of public meetings and the publication of proposed regulations. Given the magnitude of the program changes mandated by the legislation, SBA Administrator Abdnor wrote to me requesting an extension of the deadline. Proposed regulations were published on March 23, 1989. They provided only a 30-day comment period because of the statutory deadline for the final regulations. Section 30 of S. 767 modifies section 801, extending the deadline for final regulations an additional 60 days, or until August 15, 1989. This will provide additional time for public comments and for SBA to consider those comments.

A corresponding change to section 803(b) of the act extends the effective date for a broad group of the act's provisions from June 1 to August 15, so that the statutory changes do not take effect before the implementing regulations are available.

Mr. President, the Committee on Small Business unanimously ordered the technical corrections bill reported as an original bill during its organizational meeting on January 31, 1989. Subsequently, concerns were expressed by Representatives of certain members of the House Committee on Small Business with respect to the text of the bill ordered reported. First, they maintained that some of the bill's provisions, designed to clarify text of Public Law 100-656, actually effected substantive changes. Second, one key member of the House Small Business Committee opposed extending the deadline for the final regulations.

After a series of staff discussions, modifications to the bill, as ordered reported by the committee, were agreed to. Principally, they eliminate most of the bill's provisions clarifying text in the act. An amendment in the nature of a substitute embodying these changes was prepared and filed concurrently with the reported bill on April 12.

Mr. President, neither the reported bill, or the substitute that I am about to offer, have any budget implications.

The section-by-section analysis was ordered to be printed in the RECORD is as follows:

S. 767, THE "BUSINESS OPPORTUNITY DEVELOPMENT REFORM ACT TECHNICAL CORRECTIONS ACT," AMENDMENT IN THE NATURE OF A SUBSTITUTE, SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.

This section establishes the short title of the bill as the "Business Opportunity Development Reform Act Technical Corrections Act".

Section 2. Table of Contents.

This section corrects two grammatical errors in the Act's Table of Contents.

Section 3. Definitions.

This section establishes a definition of the term "Business Opportunity Specialist", which is used throughout the Act to describe the Small Business Administration employee who is most directly responsible for providing business development assistant to participants in the Minority Small Business and Capital Ownership Development Program.

The section also inserts an omitted word, "Minority", in the definition of the word "Program", which means the Minority Small Business and Capital Ownership Development (MSB/COD) Program. Given that the term "Program" is a common word, the definition was specified further by adding the phrase "unless otherwise indicated".

Section 4. Program Eligibility.

This section of the bill makes a series of corrections, clarifications, and modifications to Section 201(a) of the Act, which added a series of new subparagraphs to Section 7(j)(11) of the Small Business Act (15 U.S.C. 636)h)(11)).

Paragraph (1) of the section rewrites new Subparagraph (B) (15 U.S.C. 636(j)(11)(B)) to clarify its text and to codify a special provision relating to the eligibility of small business concerns owned by socially and economically disadvantaged Indian tribes which was enacted as a free standing provision, Section 602(d) of the Act.

Paragraph (2) of the section corrects the reference to the SBA office charged with

the management of the MSB/COD Program.

Paragraph (3) of the section corrects the reference to the SBA official responsible for the management of the MSB/COD Program.

Paragraph (4) of the section corrects a grammatical error.

Paragraph (5) of the section makes a clarification to Subparagraph (F)(vi) (15 U.S.C. 636(j)(11)(F)(vi)) regarding the authority of the Director of the Division of Program Certification to make recommendations to the Associate Administrator for Minority Small Business and Capital Ownership Development relating to the decisions by that officer on protests from applicants to the MSB/COD Program who have been denied admission.

Paragraphs (6), (7), and (8) of the section corrects two citations and a capitalization error.

Paragraph (9) restores a provision, which was inadvertently omitted from the text of the bill in the Conference Report, but was described in the Joint Explanatory Statement of Managers. This provision requires SBA to complete its review of an application for the MSB/COD Program within 90 days of receipt of a complete application. Delays in the processing of applications, frequently between 12 and 18 months, has been a chronic problem with SBA's management of the Program. Other provisions of the Act specify organizational changes and authorize additional resources to make possible the attainment of this new requirement.

Section 5. Business Plans.

This section corrects a series of errors in Section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)), as amended by Section 205 of the Act, relating to capitalization, use of the plural when the singular was intended, and various misspelled words. It also adds a parenthetical phrase after a cross-reference, which captures the substance of the matter contained in the referenced provision.

Section 6. Eligibility Reviews and Eligibility of Native Hawaiians.

Section (a) of this section strikes an extraneous phrase from Section 7(j)(10)(J)(i) of the Small Business Act (15 U.S.C. referenced provision of the Federal Acquisition Regulation, relating to suspension and debarment of prospective government contractors, only provides for the suspension of a firm's eligibility for the award of new Federal contracts for a fixed period of time. It does not impose a permanent ineligibility, nor does it authorize the termination of any existing contract awarded to such a firm, if it is being properly performed in accordance with the contract's specifications, terms and conditions.

Subsections (b), (c), and (d) of this section correct a series of errors relating to capitalization and United States Code citations.

Subsection (d) of this section inserts a twice omitted word, "unconditional", which is critical to Congressional intent regarding ownership of a firm participating in the MSB/COD Program by eligible individuals or entities.

Section 7. Termination and Graduation Standards.

Subsection (a) of this section claries to provisions of Section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)), as amended by Section 208 of the Act. It also eliminates text which appears twice.

Subsection (b) of this section corrects a U.S. Code citation.

Section 8. Stages of Program Participation.

Subsection (a) of this section makes two corrections to improve the syntax of the provision.

Subsection (b) of this section clarifies the portion of Section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)), as added by Section 301(b) of the Act, relating to the payment of firm's providing training to participants in the MSB/COD Program under the authority of this provision.

Section 9. Loans.

This section inserts a grammatically necessary word.

Section 10. Contractual Assistance.

Subsections (a) thru (d) of this section correct citational and capitalization errors, and insert an omitted word.

Subsection (e) inserts language that makes clear that any firm availing itself of the authority specified must meet the applicable standards for a "small business concern".

Subsection 11. Status of the Associate Administrator for Minority Small Business and Capital Ownership Development.

This section strikes an extraneous word and clarifies a reference to the Small Business Act.

Subsection 12. Prohibited Actions and Employee Responsibilities.

This section strikes an extraneous word.

Subsection 13. Politically Motivated Activities.

This section strikes an extraneous phrase.

Subsection 14. Reports By Program Participants.

This section corrects errors relating to capitalization.

Subsection 15. Congressionally Requested Investigations.

This section substitutes a phrase that more accurately captures the intent of the Conferees regarding this provision. The provision requires that the SBA Inspector General reply, within 30-days of a request for an investigation made by the Committee on Small Business of either the Senate or the House of Representatives, regarding the disposition of the request, but not the final disposition of the subject matter covered by the requested investigation.

Subsection 16. Contract Performance.

This section clarifies Section 8(a)(21) of the Small Business Act (15 U.S.C. 637(a)(21)), as amended by Section 407 of the Act. The amendment requires the termination of contracts held by a participant of the MSB/COD Program, if the owners of the firm providing eligibility relinquish ownership or control of the firm. The provision permits the Administrator of the Small Business Administration to waive the termination requirement under specified circumstances, provided prior notice is furnished to the SBA. One of the listed circumstances is the incapacity or death of the owners upon whom eligibility is based. The clarification permits after-the-fact notification under such circumstances.

Subsection 17. Due Process Rights.

This section substitutes the word "Administration" for "Administrator" in two places and corrects a U.S. Code citation.

Section 18. Employee Training and Evaluation.

This section inserts an omitted word and corrects a cross-reference.

Subsection 19. Presidential Report on Contracting Goals.

This section inserts an omitted world.

Section 20. Commission on Minority Business Development.

Paragraphs (1) thru (6) of this section of the bill correct a series of errors in Section 505 of the Act, including capitalization, cross-references, and citations.

Paragraph (7) adds a new Subsection (d) to Section 505 clarifies the Conferees' intent that SBA discharge the responsibility to provide support to the Commission during its formative stage. As enacted, Section 505 fails to explicitly assign SBA such a role, and this subsection is intended to make explicit what had been implicit.

Paragraph (8) provides additional time to administratively close out the Commission after the submission of its final report to the President and Congress.

Paragraph (9) substitutes the word "this" for the word "the" in subsection (g) of Section 505 of the Act.

Section 21. Relationship With Other Procurement Programs.

This section of the bill changes to the plural a word that was enacted in the singular.

Section 22. Indian Tribe Exemptions.

Paragraph (1) of this section of the bill corrects a United States Code citation.

Paragraphs (2) and (3) modify Section 602(b)(2) of the Act to make clear the intent of the Conferees that the provision also covers "former reservations" of certain tribes whose lands are now held in trust by the Secretary of the Interior.

Paragraph (4) strikes the provision relating to the special eligibility of small business concerns owned by socially and economically disadvantaged Indian tribes to participate in the MSB/COD Program, which is codified in Section 4 of the bill.

Section 23. Small Business Competitiveness Demonstration Program.

This section of the bill specifies the designation of the program's title by inserting the phrase "in the title".

Section 24. Enhanced Small Business Participation Goals.

This section of the bill corrects a cross-reference.

Section 25. Procurement Procedures and Reporting.

Subsection (a) of this section clarifies that the provision applies to contracting opportunities above the "small purchase" threshold, which is currently set at $25,000. Hence, the provision applies only to contracts whose anticipated award value is "more than $25,000".

Subsection (b) of this section corrects a cross-reference.

Section 26. Designated Industry Groups.

This section of the bill substitutes the correct title for Major Group 16 as reflected in the revised edition of Standard Industrial Classification Manual, issued by the Office of Management and Budget in late 1987.

Section 27. Definition of Participating Agency.

Paragraph (1) of this section inserts a department inadvertently omitted.

Paragraph (2) inserts an omitted word.

Section 28. Alternative Program for Clothing and Textiles.

Paragraph (1) of the section inserts a US Code citation.

Paragraph (2) of the section adds a provision specifying a term for the program reflecting the intent of the Conferees, and moves to Section 721 (Alternative Program for Clothing and Textiles) a reporting requirement pertaining to the alternative program that was enacted as part of Section 722 (Expanding Small Business Participation in Dredging).

Section 29. Expanding Small Business Participation in Dredging.

Paragraph (1) of this section adds a phrase specifying the starting point for the program, reflecting the intent of the Conferees.

Paragraphs (2) and (3) of the section correct syntax by adding an omitted verb to two of the paragraphs of Section 722(b) of the Act.

Paragraph (4) adds a phrase to the end of Section 722(f)(1) to enhance the specificity of the reporting requirement, and deletes the reporting requirement pertaining to the Alternative Program for Clothing and Textiles which was moved to Section 721(d) of the Act by Section 28 of the bill.

Section 30. Regulations.

As enacted, Section 801 (Regulations) requires SBA to publish final regulations implementing the statutory changes within 210 days of the date of enactment (November 15, 1988), or June 15, 1989. The same section also specified very tight deadlines for the conduct of public meetings and the publication of proposed regulations. Given the magnitude of the program changes mandated by the Act, SBA requested an extension of the deadlines. This section of the bill, amending Section 801 of the Act, extends the deadline for the publication of the final regulations an additional sixty days, until August 15, 1989. The purpose of this extension is to provide additional time for public comment and to afford SBA some additional time to more thoroughly consider the comments received. A corresponding change to Section 803 (Effective Dates), made by Section 31 of the bill, extends the effective date for a broad group of the Act's provision from June 1st to August 15th, so that these statutory changes do not become effective before the implementing regulations are available.

Section 31. Amendments to Effective Dates.

Paragraphs (1) and (2) correct an error which delayed the effective date for Section 302 (Loans), until October 1, 1989. The Conferees intended Section 302 of the Act to become effective on June 1, 1989.

Paragraph (3) delays the effective date of the sections of the Act listed in Section 801(b) from June 1, 1989 to August 15, 1989.

Section 32. Effective Dates of This Act.

The amendments made by the provisions of the bill shall apply as if included in the "Business Opportunity Development Reform Act of 1988", Public Law 100-656, at the time of enactment.●

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in a case pending in the U.S. District Court for the Northern District of California and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 117) to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in United States, ex rel. Newsham, et al v. Lockheed Missiles and Space Company, Inc.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, on April 13, 1989, the Senate agreed to Senate Resolution 104 to authorize the Senate Legal Counsel to file a brief as amicus curiae in three actions in the United States District Court for the Central District of California. The purpose of those appearances is to defend the constitutionality of the qui tam provisions of the False Claims Act which authorize private persons to bring actions against contractors who have defrauded the Government. To provide incentives for these actions, the False Claims Act permits plaintiffs to recover a portion of the penalties and damages that are owed to the Government. The Department of Justice has not yet appeared to defend the constitutionality of the act.

The qui tam provisions of the False Claims Act have also been challenged by a defense contractor in an action in the U.S. District Court for the Northern District of California. This resolution would authorize the Senate legal counsel to appear in that case in the Northern District of California as amicus curiae on behelf of the Senate to defend the constitutionality of the qui tram provisions of the False Claims Act.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 117) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 117

Whereas, in United States ex rel. Newsham, et al. v. Lockheed Missiles and Space Company, Inc., No. CV 88-20009 RPA, pending in the United States District Court for the Northern District of California, the constitutionality of the qui tam provision of the False Claims Act, as amended by the False Claims Amendments Act of 1986, Pub. L. No. 99-562, 100 Stat. 3153 (1986), 31 U.S.C. §§ 3729 et seq. (1982 and Supp. V 1987), have been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a)(1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in United States ex rel. Newsham, et al. v. Lockheed Missiles and Space Company, Inc., to defend the constitutionality of the qui tam provisions of the False Claims Act.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Wednesday, May 3, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. I further ask unanimous consent that following the time for the two leaders there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME PENDING BUSINESS

MR. MITCHELL. Mr. President, I ask unanimous consent that on tomorrow the Senate resume consideration of the budget resolution, Senate Concurrent Resolution 30, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON AMENDMENT NO. 73

Mr. MITCHELL. Mr. President, I further ask unanimous consent that there be a time limitation on the pending Symms amendment of 30 minutes, to be equally divided between Senators SASSER and SYMMS, and that a vote on the Symms amendment occur without any intervening action at 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12:30 TO 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. tomorrow, Wednesday, May 3.

Mr. DOMENICI. Reserving the right to object, Mr. President, let the RECORD reflect that in all of the unanimous-consent requests made by the majority leader, if the Senator from New Mexico did not respond, I was present and the RECORD should reflect that they were all acceptable to the Republican minority as indicated by our leader to me, which I now acknowledge.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL WEDNESDAY, MAY 3, 1989, AT 10 A.M.

Mr. MITCHELL. Then, Mr. President, if the distinguished Republican manager of the bill or the distinguished chairman of the committee have no further business and if no Senator is seeking recognition, I now ask unanimous consent that the

Senate stand in recess under the previous order until 10 a.m., tomorrow, Wednesday, May 3.

There being no objection, the Senate, at 7:02 p.m., recessed until Wednesday, May 3, 1989, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 2, 1989:

DEPARTMENT OF STATE

CHIC HECHT, OF NEVADA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

THOMAS MICHAEL TOLLIVER NILES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN COMMUNITIES, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JOSEPH ZAPPALA, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FRANCIS ANTHONY KEATING II, OF OKLAHOMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE J. MICHAEL DORSEY, RESIGNED.

DEPARTMENT OF AGRICULTURE

JAMES E. CASON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE GEORGE S. DUNLOP, RESIGNED.

FRANKLIN EUGENE BAILEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE WILMER D. MIZELL, SR., RESIGNED.

CHARLES E. HESS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE ORVILLE G. BENTLEY, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be Lieutenant General

MAJ. GEN. JAMES R. HALL, JR. xxx-xx-xxxx UNITED STATES ARMY.

IN THE AIR FORCE

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be Colonel

JAMES E. MULLEN, xxx-xx-xxxx

To be Lieutenant Colonel

RICHARD J.R. BYRNE, xxx-xx-xxxx
FLOYD H. SANDERS, xxx-xx-xxxx

THE FOLLOWING REGULAR OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be Colonel

RALPH J. LUCIANI, xxx-xx-xxxx

To be Lieutenant Colonel

EDWARD L. PARRY, xxx-xx-xxxx

CHAPLAIN

To be Lieutenant Colonel

RICHARD F. FUEGER, xxx-xx-xxxx

THE FOLLOWING U.S. NAVAL RESERVE OFFICER FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL SERVICE CORPS

To be Lieutenant Colonel

GEORGE RODMAN, III, xxx-xx-xxxx

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 1552, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE

To be Colonel

RICHARD K. WALSH, xxx-xx-xxxx

LINE

To be Colonel

LEO H. FOX, xxx-xx-xxxx

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be Lieutenant Colonel

MAJ. ALAN V. BOX, xxx-xx-xxxx 2/11/89
MAJ. JOHN B. CASTLEBERRY, xxx-xx-xxxx 2/10/89
MAJ. PHILIP N. HENRY, xxx-xx-xxxx 2/1/89
MAJ. SAMUEL C. LICHTE, xxx-xx-xxxx 2/3/89
MAJ. JOHN D. MERRIS, xxx-xx-xxxx 2/11/89
MAJ. JAMES M. NEWTON, xxx-xx-xxxx 2/1/89
MAJ. STEVEN G. OXNER, xxx-xx-xxxx 2/9/89
MAJ. MARY D. RIELLY, xxx-xx-xxxx 2/15/89
MAJ. GEORGE T. SIMPSON, xxx-xx-xxxx 1/22/89
MAJ. GEORGE L. SUTTLER, xxx-xx-xxxx 1/26/89
MAJ. PHILLIP C. WEAR, xxx-xx-xxxx 2/4/89

LEGAL CORPS

To be Lieutenant Colonel

MAJ. JOHN W. CLARK, xxx-xx-xxxx 1/20/89
MAJ. JAMES R. RUSSELL, xxx-xx-xxxx 2/4/89
MAJ. JAMES F. WAEHLER, xxx-xx-xxxx 2/9/89

CHAPLAIN CORPS

To be Lieutenant Colonel

MAJ. WALTER J. MYCOFF, JR., xxx-xx-xxxx 2/1/89
MAJ. WILLAIM C. WEINRICH, xxx-xx-xxxx 1/7/89
MAJ. DONALD C. WILLETTE, xxx-xx-xxxx 2/11/89

MEDICAL CORPS

To be Lieutenant Colonel

MAJ. DELWYN R. BAKER, xxx-xx-xxxx 2/11/89
MAJ. DONALD E. HUDSON, JR., xxx-xx-xxxx 11/20/88

NURSE CORPS

To be Lieutenant Colonel

MAJ. MAUREEN E. NEWMAN, xxx-xx-xxxx 9/11/88

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be Lieutenant Colonel

JON M. OWINGS, xxx-xx-xxxx
CHARLES E. WOMACK, SR., xxx-xx-xxxx
VICENTE U. YAP, xxx-xx-xxxx

DEPARTMENT OF STATE

BERNARD WILLIAM ARONSON, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ELLIOTT ABRAMS, RESIGNED.

DEPARTMENT OF JUSTICE

CAROL T. CRAWFORD, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE THOMAS M. BOYD, RESIGNED.

DEPARTMENT OF TRANSPORTATION

DAVID PHILIP PROSPERI, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE WENDY MONSON, DEMOCKER, RESIGNED.

DEPARTMENT OF DEFENSE

DAVID J. GRIBBIN, III, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE M.D.B. CARLISLE, RESIGNED.

LOUIS A. WILLIAMS, OF WYOMING, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE J. DANIEL HOWARD, RESIGNED.